

May 5 2009



TRANSCRIPT
May 5, 2009

MONTGOMERY COUNTY COUNCIL

PRESENT

Council President Phil Andrews

Council Vice President Roger Berliner

Councilmember Marc Elrich

Councilmember Nancy Floreen

Councilmember Duchy Trachtenberg

Councilmember Valerie Ervin

Councilmember Mike Knapp

Councilmember George Leventhal

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1 COUNCIL PRESIDENT ANDREWS:

2 Good morning, everybody. We're gonna get started. We have a very thick packet,
3 although a lot of it is on the Consent Calendar, so we do have a lot to go through, though,
4 and we are going to have a meeting sitting as the Board of Health in just a couple of
5 minutes, but first we're going to observe a moment of silence, so if everyone will join me
6 by standing and reflecting on the people that we have lost in the last few days in this
7 county. Thank you. Our first order of business this morning is the for the Council sit as
8 the Board of Health and to be briefed on the swine flu and issues related to it, and we
9 have to join us this morning, the County Executive, the Director of Health and Human
10 Services, Uma Ahluwalia, and our Director of Public Health, Dr. Tillman. And so I would
11 invite all of them to join us, and anyone else who is here to brief us on this issue and how
12 the county is responding to the outbreak. Good morning, and just be sure to push the
13 button in front. There you go. And...

14
15 ULDER TILLMAN:

16 Good morning, councilmembers.

17
18 COUNCIL PRESIDENT ANDREWS:

19 Good morning.

20
21 ULDER TILLMAN:

22 And those in the audience. My name is Dr. Ulder J. Tillman. I am the Chief of Public
23 Health Services in the Department of Health and Human Services, and I'm also the
24 County Health Officer for Montgomery County. I appreciate your invitation as the Board of
25 Health to give you a brief update of what is happening with the 2009 H1N1 flu outbreak,
26 formerly known as swine flu. I want to point out that this influenza virus is new. It's unique
27 in the country as well as internationally. It is a complex virus that actually has components
28 of what would have been the two swine strains, human strain as well as bird strain, or
29 avian strain, so that is made up of about 4 different types, and therefore it is now
30 conventional only to refer to it as the 2009 H1N1 flu outbreak or flu virus. This is a
31 situation that became apparent actually in Mexico, and many of you are aware of all the
32 press around that. Let me state that it was probably around April 12 of this year that it
33 became known to the Pan American Health Organization that there was a respiratory
34 illness occurring in Mexico. And for Mexico, this respiratory illness apparently was ongoing
35 in March and April. However, at that point in time, April 12, they began receiving the
36 specimen samples from those affected, and it was Canada, the United States, and the
37 World Health Organization that got involved in terms of looking more closely. And as best

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1 as we know, it was sometime in April that there was a 5-year-old Mexican boy in the state
2 of Veracruz, Mexico, who became ill, and it looked like normal flu or influenza, but he has
3 been identified as Patient Index Case or Patient Zero. There was another vicinity in
4 Mexico that also began having respiratory illness and reports that more than 3,000 people
5 were sick of the same situation. It was actually around April 17 that the United States
6 became aware of two children in California, and they were in two adjoining counties in
7 California, and those children--one was 12, one was 9--they did not have any history of
8 being in contact with pigs, although there was one child who had gone to a fair but also
9 reported that she did not go to see the animals and had no contact with them. There was
10 typing done of that infection, and it was really more towards April 23 that the typing of
11 what was happening in these children matched the same strain in Mexico. So it was really
12 April 23 that the link was made that whatever was happening in Mexico was also being
13 seen in the United States. You also have some history of some children who were in
14 Texas, and they were identified. Things began to move very quickly in the United States,
15 and I will tell you that it began probably on the evening of Saturday--Saturday, April 25,
16 and this was the time when the United States was already confirming that there was at
17 that time called human cases of swine flu apparent in the United States in California and
18 Texas. That evening I received two calls via our Crisis Center. One was of a mother who
19 was concerned that her husband had just left Mexico and was coming back, and she had
20 concerns for their young child, who was going to be spending some time with them. At
21 that time--and at that time, I simply told her that she would need to be observing for
22 symptoms. We did receive word of someone who was seen in one of our E.R.s on that
23 evening as well, and specimens were taken. In terms of the state of Maryland--and I'm
24 gonna just kind of fast-forward because I know that time is limited. We had to move
25 quickly in terms of setting up our information center and our command post in public
26 health and working closely with our state Department of Health and Mental Hygiene in
27 terms of having the definitions of what we were looking for, getting that information out to
28 our hospitals, to our clinicians, working with our school system in terms of what
29 information that they could post and send home to parents, and we also got information
30 on our county website to go to employees in terms of what is happening with this 2009
31 H1N1 influenza virus and what to look for and emphasize the etiquette in terms of
32 covering your nose and mouth and coughing and sneezing, throwing away the tissues,
33 and watching for fever and signs of influenza. All of those systems became ramped up
34 very quickly. We are now at the point in time that we have coordinated with our hospitals
35 and clinicians in terms of getting samples to local Health Department on to the state
36 Health Department and if need be to the state. As of yesterday, the state of Maryland had
37 15 probable cases of influenza, and later that day, 4 of them became confirmed in the

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1 state of Maryland. We have received word that we had--as of yesterday, we had two
2 probable cases of influenza, and later last night we found out we had two more. We only
3 have a pending result of one of those cases, probable cases, and that is the adult and not
4 the one linked to Rockville. CDC is repeating that test to give us information. Let me focus
5 on the second probable that we had, which involved a student at Rockville High School.
6 You are aware of the news conference that we had last week just Friday, and the school
7 was closed on Friday because of that. This is a child who is autistic and as we observed
8 and got information realized that it would not be possible for the individual to consistently
9 cover face and mouth and nose, dispose of the tissues, and keep 6 feet away from
10 people. That student is recovering, and he is doing better, but it is because of that
11 situation and looking at the layout of Rockville High School and that the students in that
12 classroom--and there are two of them--that they do share a common area with the rest of
13 the school for the cafeteria and a few other things that we realize that there were
14 implications for the whole school, so Rockville High School, in coordination with the state
15 officials, in coordination with Montgomery County Public School system, a lot of phone
16 calls with the Superintendent, County Executive, and others, the state officials, on late-
17 night calls, the school was closed. I know that there has been concern expressed in terms
18 of how long would Rockville High School be closed, and of course the latest guidelines
19 recommendations coming out from the Centers for Disease Control and Prevention are
20 that schools should be closed for 14 days. That issue is being very closely discussed and
21 even above the Centers for Disease Control at this point in time, and we're waiting for
22 further guidance from them in terms of recommendations. I must tell you that at 10:30 last
23 night, I had information from the Deputy Secretary of Health for the state, and from my
24 staff, that we have a second probable case of 2009 H1N1 influenza in a student at
25 Rockville High School outside of the two classes we were looking at, and we had a list of
26 about 87 to 91 contacts to our first probable, and we have been vigorously looking at that.
27 I cannot tell you at this point in time if that student was already on that list, but I do know
28 that that student is outside of those two classes, so that does mean that Rockville High
29 School needs to remain closed until we have further guidance from the state and looking
30 at the changing criteria that we are hoping for from the Centers for Disease Control.

31
32 UMA AHLUWALIA:

33 If I could just add a couple of pieces of additional information. At this time, when a state
34 comes out with a finding of probable, the CDC confirms about 99% of those cases as
35 confirmed, so we tend to treat the probables with the same isolation strategies that we
36 would with a confirmed case. The second--and this is particularly interesting information--
37 that the median age of those hospitalized is about 16 years of age, and there are 35

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1 known hospitalizations in the United States, with one reported death of a toddler in Texas.
2 So part of the difficulty I think--and you hear this constantly--that the guidance is changing.
3 People aren't sure how the strain of flu is going to behave. There's been a lot of analysis
4 in the newspapers again today that part of the reason they think that it's been so
5 catastrophic in Mexico is because of the health care system and that people aren't
6 seeking help as quickly as they should and that it could play out differently in the United
7 States. The problem is it's mutating fast enough that there is not enough information at the
8 federal level to provide guidance, so everybody is exercising an abundance of caution,
9 and I think that's part of what's playing in this, and we keep awaiting--Dr. Tillman is on
10 conference calls 2, 3 times a day that involves the feds, that involves the states, local
11 EMG conferences, trying to figure out how quickly we can get guidance because part of
12 our anxiety, and I know more than ours, Dr. Weist's anxiety, is that these are high-school
13 kids who have college prep and activities that are really imminent upon them, and keeping
14 the school closed is really difficult, and for a lot of the children, the food, the well-being of
15 the kids is often tied to the school. So I do want to add that yesterday, in partnership with
16 MCPS, today there's going to be distribution of food at two locations in the Rockville
17 community for families who are not able to go to school, their children are not able to go to
18 school, so we're trying to work with the school as much as we can, but these are
19 extraordinarily difficult circumstances for the school, and I just wanted to go out and
20 acknowledge that and that the cooperation between all the parties has just been
21 extraordinary. And yesterday, at the request of Dr. Weist, we got the Secretary to actually
22 send a letter stating that Dr. Tillman has the authority, as the designated entity, for him to
23 recommend the continued closure of the school. So it's very clear that the public health
24 aspect is what's leading the closure of the school. Thank you.

25
26 **ULDER TILLMAN:**

27 And let me just make one other general point. As of last night, we had 36 states affected
28 by this influenza virus. We have 279 cases throughout the country and one death, and I
29 know that there has been discussions that this is appearing as a seasonal influenza, but
30 as Uma Ahluwalia also stated and I need to emphasize is that we are at a later stage than
31 what had been taking place in Mexico so that we don't have the full picture in the impact of
32 what is happening in our country. But the messages that we have received thus far from
33 Centers for Disease Control--and as I say, they update their site at least daily, and they
34 are doing daily conference calls with state health officials and with a local health official
35 representative--that they are still advising us to be very proactive and very aggressive in
36 terms of our readiness because things can change quickly, and so we must be prepared
37 for that flexibility.

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1 COUNCIL PRESIDENT ANDREWS:

2 Thank you very much for that briefing. You suggested there that the CDC, the Centers for
3 Disease Control, was reviewing this obviously looking at it on an hourly basis, but did you
4 suggest they would be announcing a policy that might be different than what is in place at
5 this point fairly soon?

6
7 ULDER TILLMAN:

8 We are now at a point in time--and it's not just the Centers for Disease Control, it's also
9 Homeland Security and all of the United States HHS--but we are now at the point in time
10 that the decisions in terms of the policies of affecting our schools and what would be
11 effective in terms of slowing the rate of spread--we're not talking containment anymore--
12 simply slowing the rate of spread, that it is probably going to be decided at the Cabinet
13 level in terms of those changes. The scientists have given their recommendations. We
14 know that children are the ones who tend to amplify the spread, and they also tend to
15 shed this virus longer than adults, and generally, where you can tell an adult, 7 days you
16 ought to be out of the picture, for children we know that that can go about 10 days, and
17 because of those implications, that was the recommendation, I believe, to be on the safe
18 side, that it's a 14-day period. And at this point in time, it's pointless to focus on the
19 number of days. It's about--is the strategy still effective as we continue to have the spread
20 of this virus throughout the United States? And we know at one point in time that we
21 definitely wanted to limit the congregation of those youth who could spread the infection
22 faster. And so there's got to be a balance in terms of, is it effective, and at what cost are
23 we imposing that strategy?

24
25 COUNCIL PRESIDENT ANDREWS:

26 Thank you. I know that you, Dr. Tillman and Director Ahluwalia and the County Executive
27 have been working very hard, and Dr. Weist, on this issue, and you noted the difficulty this
28 has caused for the Rockville High School community, and I appreciate the efforts that are
29 being made--I know all my colleagues do--to assist the families of Rockville High School
30 to help minimize the disruption that this is having on various aspects of their lives as well. I
31 will turn to my colleagues now Councilmember Leventhal has his light on.

32
33 COUNCILMEMBER LEVENTHAL:

34 Thank you. Dr. Tillman, could you tell us a little more--I understand it's a new virus and not
35 everything is known, but I would like to understand what we do know about the
36 characteristics of the disease. You used the words "shed the virus." Is that the same thing
37 as the incubation period? Is that--in other words, when you're exposed, or if you're

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1 exposed, when you talk about 14 days, is that the length of time that you have from the
2 time you might have been exposed to the time you might contract the disease? That's the
3 first question. What is the incubation period? What does "shed the virus" mean? Does that
4 mean get over it? Does that mean recuperate? And based on the characteristics of the
5 cases that we have seen in Mexico and in the United States, at least from what we're
6 reading in the press, the severity doesn't seem that extreme, so how is this different--
7 there's a seasonal flu every year that the strain is slightly different, and a slightly different
8 vaccine has to be developed each year. What makes H1N1 different? And then the last
9 question is, if you could explain a little bit, worst case scenario. We don't want to panic
10 anybody, but what is the fear of mutation? What might happen that we're all concerned
11 about? So a lot of questions just about the characteristics, as much as we know of them,
12 of the disease itself.

13
14 **ULDER TILLMAN:**

15 Thank you, Councilmember Leventhal. Let me say that at this point in time, in looking at
16 what has been happening in California and Texas, that it seems to be behaving similar to
17 a seasonal influenza, although it's starting at an odd time of year. This is actually the time
18 we normally would be winding down our seasonal flu season, but this is something that
19 has picked up, and it will definitely be extending it. Exposure to this influenza, it is
20 transmitted person to person. What is unusual here is that probably before 2005, the
21 United States would only see about one or two cases of transmission of the swine flu,
22 meaning that it was an infection that would start in pigs. We only would see about one to
23 two cases a year in which it was communicated to a human. Now we have something
24 different, and apart from the concern about humans affecting pigs, and that's a separate
25 aside, we now have something that seems to be a human-to-human spread. An individual
26 who is in the presence of someone who is infected, and they're coughing and sneezing on
27 an individual, that generally they will have the infection of flu about 24 hours, 24 to 48
28 hours later. And their onset of symptoms can be anywhere from fever, sore throat,
29 coughing, the aches and pains, and the symptoms are similar to seasonal flu. The
30 importance of this one is that until recently, we have been able to tie those symptoms and
31 this particular unique typing of the strain to contact or travel through Mexico or to another
32 affected area in the other countries outside the United States that are dealing with this
33 influenza. And it's only recently--well, let me continue in terms of the symptoms generally.
34 When you have the flu, it's generally about maybe a 7-day course of the aches and pains.
35 You can begin to feel well, the fever goes away, and in adults, usually 24 hours after your
36 fever is gone and you're feeling better, you are no longer infectious. You're not
37 communicating that to anyone else. When children, although they may feel better, they

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1 are holding on to the virus, so that while they're coughing, sneezing, and especially if they,
2 say, cough on their hands and they have contact with touching someone else, they tend to
3 hold on to this virus, the infectious particles, longer than adults do, and that's when I said
4 that they tend to go 10 days, meaning although they may be fine, if they're coughing and
5 sneezing and touching other people or coughing on others, others can get the infection
6 from them. We have been using a rule of thumb that is similar to seasonal influenza, that
7 about 24 hours before symptomatic, it is the potential that you can infect someone else
8 although you are well. Scientifically it's really only a couple of hours, but it's easier to keep
9 track if we say one day before your onset of symptoms that you would have been
10 infectious. So that's that time frame. We have been following that 7 days is about the
11 course of a period of time when someone is infectious and we want them removed from
12 others or at least keeping that distance of at least 6 feet as much as possible. For
13 children, as I was trying to explain, it's a bit more protracted for them. Your second
14 question, if I've answered the first, was--

15
16 COUNCILMEMBER LEVENTHAL:

17 If it's--if it is--

18
19 ULDER TILLMAN:

20 Oh, why is it dangerous?

21
22 COUNCILMEMBER LEVENTHAL:

23 Yeah. What is the real danger that we're concerned about? I mean, it appears that people
24 get sick. It's similar to traditional influenza. The discomfort passes after just a few days,
25 and then they're no longer infectious, and then they get better, so what is the real worry
26 here?

27
28 ULDER TILLMAN:

29
30 The real concern here is that being that this is now a new strain of influenza, there's been
31 a marked shift in what one sees from season to season. We know influenza virus is very
32 good at modifying itself and changing, and that is why it's important to get a flu vaccination
33 every year, because it keeps shifting, or drifting, I should say. This is a situation akin to
34 the other flu outbreaks and pandemics or epidemics. We don't need to talk about
35 pandemic at this point, but epidemics that we've had in the past, where it's really a new
36 influenza virus that people do not have immunity to that shortly then become very severe.
37 In this situation, and the last one--you know, the big one, of course, is 1918. We've had

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1 this is 1957. We also had it in the seventies, where there were more severe cases of flu
2 because people did not have the immunity to it, and the flu vaccine may not have caught
3 up with that marked change in that flu virus. This is a situation that we are watching, and
4 actually what is going to give us the most information now is that the southern hemisphere
5 of the world, they're getting ready to go into their winter season, or their flu season. We
6 will be watching what's happening in the southern hemisphere to see how they react to
7 this new virus. That will give us information that possibly, with our next flu season in the
8 fall in the United States, it may be more severe than we would have anticipated because
9 this is a novel or new strain without immunity. This is why the United States is working
10 very vigorously to begin preparing for a vaccine for the fall as it is needed. Those
11 decisions obviously are above me, but this is where CDC is working with the
12 manufacturers. They have received the seeds to begin to generate the vaccine, and then
13 a decision will be made in terms of how and when it is administered in addition to the one
14 they were already planning. So does that answer your question?

15
16 COUNCILMEMBER LEVENTHAL:

17 Yes. Thank you.

18
19 COUNCIL PRESIDENT ANDREWS:

20 Thank you, Dr. Tillman. You have done an excellent job of briefing us, and you have
21 anticipated, I think, and answered the questions that colleagues may have had. I see
22 Councilmember Trachtenberg has a question or a comment, though.

23
24 COUNCILMEMBER TRACHTENBERG:

25 Thank you, President Andrews, and thank you very much, Dr. Tillman, for your
26 presentation this morning, and I think the Council President is correct that for the most
27 part, you've answered our questions and certainly reassured us, but we would expect no
28 less. I recognize, as I'm sure my colleagues do, that there is a fairly comprehensive plan
29 in place for emergency services, specifically those that can be delivered in emergency
30 rooms, and while I don't want to ask for a response on that necessarily, I'm just actually
31 curious. What kind of planning has gone on around the use of public transportation? You
32 know, my office has gotten a number of questions about the preparedness, and we've
33 addressed, we've responded to those questions specifically around hospital services that
34 would be available, but one of the things we really didn't know, point-blank, is what's been
35 done around public transportation?

36
37 ULDER TILLMAN:

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1 The part that I did not mention was that last week we had the partial activation of
2 Emergency Operations Center, and Chris Voss, who is the head of the Office of
3 Emergency Management Services, is here. We have been on daily calls with that group
4 as well. We have met with Department of Fire and Rescue Services with police, and
5 others, as I understand from Chris, there are about 153 agencies that are represented on
6 the calls that we have been having. I do know that there have been concerns about
7 transportation, and we are looking at those concerns. We have had conversations with the
8 state. There is an advisory group of medical experts that are now attached to the governor
9 of the state that are also fielding some of these concerns, not just with schools but other
10 concerns. We have been very reluctant to make any drastic changes about public
11 transportation. We realize not only the economic impact of this for businesses, we also
12 realize that there are individuals who may be vulnerable that also need to be able to get to
13 their jobs for their livelihood. So we are looking at those issues. There have been a
14 number of questions about, you know, the use of surgical masks or other types of masks,
15 and we are still weighing those concerns. Fortunately what is on the good side is that thus
16 far, this influenza has appeared no more severe than our seasonal flu, and that is what we
17 are counting on at this point in time. But there are plans in place. We have it at all levels of
18 government looking at those readiness issues, and as I said, as we have more information
19 and as this flu virus changes, we have to be prepared to implement some of those other
20 strategies. But at this point in time, there is no plan to curtail public transportation, and for
21 the most part, that has a more open distancing of space. We do realize that with the
22 recommendation that is precautionary that if you are in the vicinity or near somebody who
23 is coughing and sneezing and they're not using proper etiquette to cover that cough and
24 sneeze, trying to maintain a 6-foot distance is difficult, but these are all things that are
25 being weighed.

26
27 COUNCILMEMBER TRACHTENBERG:

28 OK, thank you very much, Dr. Tillman. Mr. Leggett?

29
30 ISIAH LEGGETT:

31 Let me emphasize a couple of points. First of all, I think that the plans that we have in
32 place on paper are excellent. We have the personnel. We have all the things that I think
33 that we need to do in terms of responsiveness. The worry that I have is that those are
34 plans on paper. The challenge is that we create an environment that creates further
35 anxiety and panic, and my view is that no matter what you have on paper, if you create
36 that kind of environment, you make it far worse than it otherwise should be in terms of
37 execution of anything that we may want to do. And so when we have comments and

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1 statements that I think are overbroad like what the Vice President stated and others, that
2 we end up in a situation where we create an atmosphere of panic. Then it becomes very
3 difficult for us to execute the plans that we have in place. As I said before, they look good
4 on paper. There were people who were in a position to exercise this. So we have to be
5 very careful about what we say, how we say it, and how we appropriately communicate to
6 our community.

7
8 COUNCILMEMBER TRACHTENBERG:

9 Well, I thank you for that response, and I think there's total agreement that as public
10 officials, the last thing we want to do is create any hysteria.

11
12 ISIAH LEGGETT:

13 Thank you.

14
15 COUNCILMEMBER TRACHTENBERG:

16 So I think we respect that and understand the value of it.

17
18 COUNCIL PRESIDENT ANDREWS:

19 Thank you, Councilmember Trachtenberg, and thank you for joining us, Mr. County
20 Executive. Council Vice President Berliner.

21
22 COUNCIL VICE PRESIDENT BERLINER:

23 Dr. Tillman, perhaps you could clarify for us an issue that I'm sure you appreciate. There's
24 been some confusion as to who has the final word with respect to the precautionary
25 measures that have been imposed, and so my question is, is this your call? Is this the
26 state's call? Who makes the final word with respect to this?

27
28 ULDER TILLMAN:

29 I don't know if I can answer that question fully for you, but I will say that the guidelines, the
30 recommendations that have been coming from the federal level have made it very clear
31 and have urged that the school systems work in consultation with the health at state and
32 local levels in making these decisions. The federal government has also been cleared to
33 state that they realize that the situations vary from state to state, from county to county,
34 and that things may be decided regionally or locally that can be different rather than what
35 is happening across the U.S., and they have put in that flexibility and urged that the
36 consultations occur at the state and local level in terms of decisions. There are different
37 sets of statutes that, depending on the situation, can be pulled up and looked at. In this

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1 situation, I am the one in consultation with the state and the guidelines from the federal
2 level who made the decision that the schools needed to be closed. I did that in
3 consultation with the County Executive, with the school system, and with the state. We
4 were all on the call together in terms of when that decision was made. So it's been a
5 health decision, and when we change it, it will most likely be the health decision in terms
6 of changing it because it is on the health side that we are receiving the information as it
7 quickly unfolds.

8
9 UMA AHLUWALIA:

10 Just as a follow-up, we had to resolve this issue yesterday. It--we consulted with both our
11 County Attorney and with the state. We called over to the state Secretary's office, and it is
12 a public health issue. The Secretary of the State has been, again, consulting with the
13 Secretary of Education, Nancy Grasmick, as well as the governor. The way the opinion
14 came down to us was it is the considered opinion of the State Secretary that this is a
15 public health matter that he is making the strongest recommendations, but he leaves the
16 decisionmaking at the local level, it still being that it's a public health issue. When we had
17 the conference call with MCPS, the decision was that it was really driven by the health
18 side of ????? so Dr. Tillman, as the health officer, is the one who is making the strongest
19 recommendations, and everybody is following her guidance. So as clearly as I can tell
20 you, that's where it stands. Everybody couches it in words of consultation, but really it's a
21 public health emergency that's being driven by the Public Health Officer.

22
23 ISIAH LEGGETT:

24 Let me, Mr. Berliner, read what we ????? yesterday to make certain we had this in writing,
25 because it is important. This is a letter dated from the Department of Health and Mental
26 Hygiene, dated May 4, to Uma Ahluwalia, and it states "The government emergency
27 declaration relating to the H1N1 influenza outbreak, gives the Secretary of the Department
28 of Health and Mental Hygiene the emergency powers to take whatever measures
29 necessary to prevent the spread of the disease. The local Public Health Officer, as the
30 designee of the Secretary of the Department of Health and Mental Hygiene, has the
31 authority to speak on behalf of the Secretary of State. Department of Mental Health and
32 Hygiene." And we confirmed this ????? yesterday.

33
34 COUNCIL VICE PRESIDENT BERLINER:

35 Thank you. So now I know the buck stops there. If there's a disagreement--I mean, it's
36 always nice when everybody agrees, but the issue arises if there comes a point in time

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1 when there's a disagreement, and what I understand from this conversation is that in the
2 judgment of our county, you make the final call with respect to these matters.

3
4 **ULDER TILLMAN:**

5 And I will assure you that I will not make those decisions without consultation with state
6 Department of Health and Mental Hygiene as well.

7
8 **COUNCIL PRESIDENT ANDREWS:**

9 OK. Thank you, Council Vice President, and thank you very much, Dr. Tillman, and
10 Director Ahluwalia, for your briefing. We appreciate. We know that you're working very
11 intensively on this, and we know that you will keep us informed, as you have, about the
12 latest developments, and we all have a keen interest in this, as does our community
13 throughout, so thank you for your very thorough presentation and anticipating so many of
14 the questions that there would have been this morning. And we will see you soon. We're
15 now going to have presentations, and we're going to revise the order a little bit, and the
16 County Executive is here, and we hope that he can stay for this first presentation, since
17 it's a joint proclamation from the Executive and the Council, and it is a proclamation
18 recognition of the Arc of Montgomery County Day. Councilmember Trachtenberg will do
19 the honors for the Council, and I believe we have a couple of representatives from the
20 Arc, and if they will join us at the front, we invite them to come forward now.

21
22 **COUNCILMEMBER TRACHTENBERG:**

23 Would you like to make some introductions before we start...

24
25 **JOYCE TAYLOR:**

26 Sure.

27
28 **COUNCILMEMBER TRACHTENBERG:**

29 Just so we know who's joining us this morning?

30
31 **JOYCE TAYLOR:**

32 Yes. My name is Joyce Taylor.

33
34 **COUNCIL PRESIDENT ANDREWS:**

35 Go up to the mike, please.

36
37 **JOYCE TAYLOR:**

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1 My name is Joyce Taylor. I'm the Executive Director of the Arc of Montgomery County. To
2 my left is Rebecca Deranek, who works at the main office for the Arc of Montgomery
3 County and also lives in one of our residential homes. Alan Paltin--

4
5 ALAN PULTYNIEWICZ:
6 Pultyniewicz.

7
8 JOYCE TAYLOR:
9 Pultyniewicz--thank you--representing our Board of Directors, and Doug Gaddis, our
10 Director of Development.

11
12 COUNCILMEMBER TRACHTENBERG:

13 I want to thank all of you for joining us here this morning. I know the County Executive will
14 be making some very brief remarks. Obviously Arc is an organization that has been
15 operating in this community for a number of years, and they have really, in my opinion and
16 I know in the opinion of many people throughout the county, are a lifeline. They very much
17 secure community for everyone, and that means that opportunities clearly are secured for
18 those that have limitations, but more importantly, support is provided to them and to their
19 families, and my grandmother used to say you didn't live a perfect day unless you were
20 able, actually, to do something extraordinary, something extraordinarily generous to
21 improve a life of another human being and expect nothing for it, and I believe that that's
22 very much true to how Arc operates here in the county--your mission but also the
23 extraordinary contributions that have been made over the years, and so I want to
24 personally state that to all of you here today because this is about community and about
25 opportunities. I know, did you want to perhaps make some brief comments or help me read
26 the proclamation? OK. Well, here we go. Whereas, the Arc of Montgomery County was
27 founded in 1958 by parents who were concerned that their children, who had been labeled
28 retarded in the cold vernacular of the day, were being segregated from their community
29 and a decent education, if any schooling at all. None of that was provided to these
30 children, and a dismal beginning was leading to unfulfilled lives...

31
32 ISIAH LEGGETT:

33 And whereas, in some ways, persons with cognitive, intellectual, and developmental
34 disabilities are among the most vulnerable residents and for some are easy to transmit
35 and ignore--dismiss and ignore, yet they are citizens who work, pay taxes, consume
36 goods and services, live and play in our community...

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1 COUNCILMEMBER TRACHTENBERG:

2 Whereas, the Arc of Montgomery County provides a wide array of services otherwise
3 unavailable to Montgomery County residents in need, ranging from care for medically
4 fragile infants as young as 5 weeks old, educational programs and related services for
5 students ages 3 to 4 years old with developmental delays, autism, mental retardation, and
6 multiple disabilities, job training placement programs and housing assistance for older
7 clients, and continuous support for families...

8
9 ISIAH LEGGETT:

10 And whereas, the Arc of Montgomery County also acts as a strong advocate in providing
11 a loud voice to make sure the needs of those special people are known and their proud
12 accomplishments are recognized as well, now therefore do we, Isiah Leggett as County
13 Executive, and Phil Andrews, as County President, hereby proclaim Saturday, May 9,
14 2009, as Arc of Montgomery County...

15
16 COUNCILMEMBER TRACHTENBERG:

17 And we call upon our county residents to support this organization's valuable work that
18 makes such a great difference in the humanitarian fabric of our community. Signed,
19 County Executive Isiah Leggett and County Council President Phil Andrews. And again,
20 signed the 9th day of May, but we'll make it for today. So thank you very much, and I
21 wonder if we could have some photos. Would you like to make a comment?

22
23 JOYCE TAYLOR:

24 Sure. Sure.

25
26 COUNCILMEMBER TRACHTENBERG:

27 Doug, did you want to make some comments?

28
29 JOYCE TAYLOR:

30 Well, I wanted to first of all recognize Montgomery County. They have been so supportive
31 of the Arc of Montgomery County and our whole community of people with disabilities and
32 not just financially but also in many other ways, such as employment, recreation. The Arc
33 of Montgomery County lives for and stands for inclusion of people with disabilities, and
34 Montgomery County and the
35 Council have really been a leader in assisting us in doing that, and I can't say enough
36 about that. I also would just like to mention briefly that as part of their support, Alan works
37 for Montgomery County. He's a Montgomery County employee, but on his own time, as a

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1 volunteer, is on our board of directors. He has spent hundreds, maybe thousands, of
2 hours assisting us with our annual fundraiser, which is this Saturday, May 9. It's called
3 Beat the Odds, and Alan's been, for the past 2 years, maybe 3--2 years--3 years--on the
4 committee and has assisted us in those efforts. So I just wanted to thank everybody and
5 thank Montgomery County.

6
7 PHOTOGRAPHER:

8 Thank you.
9

10 COUNCIL PRESIDENT ANDREWS:

11 Thank you. Thanks for joining us ????? Please join me in giving our friends at the Arc a
12 round of applause for good work. Our next presentation will be a proclamation in
13 recognition of May 7, 2009 as Potomac Elementary School Day by
14 Councilmember Berliner. And I believe we have some representatives from Potomac
15 Elementary School here, and I invite them to join
16 Council Vice President Berliner up at the front.
17

18 COUNCIL VICE PRESIDENT BERLINER:

19 And I know we've got some school board members here. Let's come on up, gang. Shirley,
20 Pat, Judy, and Laura.
21

22 COUNCIL PRESIDENT ANDREWS:

23 We have joining us the President of the School Board, Shirley Brandman; the vice-
24 president, Pat O'Neil, and school board members Judy Docca and Laura Berthiaume.
25

26 COUNCIL VICE PRESIDENT BERLINER:

27 Now, I wanted to share with everybody how this came about, because the Potomac
28 Elementary School first graders are learning about government and how to influence
29 government. I love that in our community, we teach our kids how to be lobbyists at a very
30 early age, OK? So I was approached by their teacher, who said, "Would you agree to
31 participate with our first grade class with respect to this assignment?" And the assignment
32 was to persuade me to do something, and what they persuaded me to do is to declare
33 May 7 as Potomac Elementary School Day. And they did so by writing 87 letters! It was
34 like, "Enough! I'm persuaded!" 87 letters they sent, saying how wonderful Potomac
35 Elementary School was, how they pick up litter, how they do the right thing, how their
36 teachers are so wonderful. So, what I'd like to do is first I want you guys to read--let's see.
37 Can I take this out? Maybe. I'm gonna take this out, and I'm gonna let you guys read

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1 some of your letters first, because all your classmates are watching on television. So why
2 don't you read your letters, if you wouldn't mind. Do you want to start? And tell me your
3 name.

4
5 VINAY DURBHAKULA:
6 Vinay.

7
8 COUNCIL VICE PRESIDENT BERLINER:
9 OK, Vinay. You want to read your letter?

10
11 VINAY DURBHAKULA:
12 OK.

13
14 COUNCIL VICE PRESIDENT BERLINER:
15 All right.

16
17 VINAY DURBHAKULA:
18 "Dear Mr. Berliner, Potomac Elementary School would like to make a suggestion. Can we
19 have a Potomac Elementary School Day? Please, please, pretty please? We pay so much
20 attention in math. We can do over 15,000 math problems. We have 41 Hallway Heroes.
21 Hallway Heroes are treats we earn for being quiet in the hallways. Mr. Schorr says we
22 read above grade level books. Mr. Schorr is a media center owner. There are 18 kids in
23 my class, and 100% of them are great in math. We save energy, also. We want it on May
24 7, 2009. We work really hard. We beg you. Potomac Elementary School Day will be better
25 than Halloween and Christmas because we will do everything we've already done, and we
26 recycle. We have Recycling Rangers. Recycling Rangers are people who take out the
27 recycling, and it goes someplace where all the recycling bins go. Miss Melissa says we
28 are great at cleaning up. Miss Melissa cleaned up our school, and we ?????? We are being
29 patriotic. Your friend, Vinay Durbhakula."

30
31 COUNCIL VICE PRESIDENT BERLINER:
32 Wonderful. All right? Tell us your name.

33
34 BLAKE GUTERMAN:
35 Blake.

36
37 COUNCIL VICE PRESIDENT BERLINER:

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1 OK, Blake. Read your letter.

2
3 BLAKE GUTERMAN:

4 "The Honorable????? Berliner Office of Councilmember Berliner, Montgomery County
5 Councilor, 100 Maryland Road, Rockville, Maryland, 20850. March 25, 2009. Dear
6 Councilmember Berliner, You should pass a proclamation naming May 7, 2009, Potomac
7 Elementary School Day, P.E.S. Day. Here are the reasons why. We are good students.
8 We get good grades on our report cards. We also--we also--also recycling. We use blue
9 recycling bins. I want to help the universe because recycling uses paper over again. Third,
10 we don't litter. My friends say we don't litter. So if you pass a proclamation on May 7,
11 2009, Potomac Elementary School Day, we will work even harder."
12

13 COUNCIL VICE PRESIDENT BERLINER:

14 Very good. All right, now, and your name is?
15

16 CHRISTOPHER YAZDANI:

17 Christopher.
18

19 COUNCIL VICE PRESIDENT BERLINER:

20 OK, Christopher, read that letter.
21

22 CHRISTOPHER YAZDANI:

23 "Do you have good technology in your office? We have good technology. We do IXL.
24 Tiffany says that it is fun. We have 3 computers. Miss Cetlin's class does IXL. We do it to
25 IXL math. My mom helps us in computer lab. From Christopher."
26

27 COUNCIL VICE PRESIDENT BERLINER:

28 Thank you, Christopher. And, young lady, do you want to read your letter? You don't have
29 to. You don't have to. Well, I think you can see why we are giving this proclamation. So let
30 me read this proclamation, and then we will...be on. The County Council of Montgomery
31 County, Maryland, proclamation. Whereas, excellence in education begins when teachers,
32 staff, students, parents, and the community work together to make a firm commitment to
33 education, and whereas, for 90 years, Potomac Elementary School has had a tradition of
34 maintaining high standards in all aspects of education, and whereas, throughout its long
35 history, Potomac Elementary School has been blessed with resourceful, innovative, and
36 caring teachers who have sought to install the values of self-worth and confidence as well
37 as intellectual curiosity and competence in their students, and whereas the first grade

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1 students of Ms. Kohler, Miss Abramson, Miss Artzi, and Miss Hinton's classes noted in
2 their persuasive writing assignment that Potomac Elementary School students are
3 respectful and do their best to follow all school rules, pick up trash at recess, recycle, and
4 save energy by turning off the lights, and whereas the first grade students of Potomac
5 Elementary School take great pride in their teachers, who work very hard and provide
6 excellent learning opportunities for them, such as the opera program, acting classes,
7 creative hands-on math instruction, and terrific assemblies, and whereas every day the
8 school seeks to fulfill its mission of Potomac Elementary School will be a place where
9 excellence is the expectation, now therefore be it resolved that the County Council of
10 Montgomery County, Maryland, hereby proclaims Thursday, May 7, 2009 Potomac
11 Elementary School Day in Montgomery County. Presented on this 5th day of May in the
12 year 2009. Signed by Phil Andrews, the Council President. Congratulations! You got your
13 persuasion. So let me give each of you--now, who's Ms. Kohler's first grade class? Who's
14 that? OK, now. You take that back to the class. Who's Miss Abrahamson's first grade?
15 There you go. All right, you take that back to the class. Miss Hinton's. Who's Miss
16 Hinton's? There you go. And Miss Artzi's. All right, now you guys all stand up here, and
17 they're gonna take your picture, OK? Oh, and I also have--wait a minute. We got more.
18 Look at this. You get to bring back to your class--pull one of those guys out. Show
19 everybody what you got.

20
21 BLAKE GUTERMAN:

22 You mean these pencils?
23

24 COUNCIL VICE PRESIDENT BERLINER:

25 Yeah, those pencils. Those erasers. Aren't those neat-looking erasers? Huh? We got the
26 whole thing here, gang. I mean, you really scored big. Here you go.
27

28 CHRISTOPHER YAZDANI?????:

29 Thanks.
30

31 COUNCIL VICE PRESIDENT BERLINER:

32 All right. You get the whole bag. The whole bag. Take the bag, please. Take the bag. All
33 right.
34

35 VINAY DURBHAKULA?????:

36 Thanks.
37

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1 COUNCIL VICE PRESIDENT BERLINER:

2 All right. I'll stand back here. You guys--you take that.

4 PHOTOGRAPHER:

5 Since you all did such a good job, give me a thumbs up. Let everybody know what a great
6 job you did. OK. Thank you.

8 COUNCIL PRESIDENT ANDREWS:

9 Great job there. All right. Our final presentation of the morning will be a proclamation in
10 recognition of the volunteer mentor group of Springbrook High School and the Rising
11 Stars Mentor Group of Broadacres Elementary School, and
12 Councilmember Ervin and I are going to do the honors on this, and I invite our mentors
13 and our mentees and the representatives of the schools to join us at the front, including
14 our school board members, please.

16 COUNCILMEMBER ERVIN?????:

17 Good morning, ladies.

19 STUDENTS:

20 Good morning.

22 COUNCILMEMBER ERVIN?????:

23 How are you?

25 STUDENTS:

26 Fine.

28 COUNCIL PRESIDENT ANDREWS:

29 Come on up, John Smith. All right. All right, very good. We have--as we just saw, and as
30 we're about to hear, we have this great teamwork going on in this county in our great
31 school system and students that are helping each other, and that's one of the great things
32 about this presentation is the combination of the mentors and the mentees--the mentors at
33 Springbrook helping the mentees at Broadacres, and we have students here from
34 Springbrook. I'm gonna read the Springbrook High School Proclamation. Councilmember
35 Ervin is going to read the proclamation for Broad Acres Elementary School. From
36 Springbrook High School--and just raise your hand when I read your name--we have
37 Chelsea Jackson, Dustina Thomas, Ciara Tyler, Shade Campbell. OK. Kanku Barry. Hi.



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1 Moolu Tesfai. OK. Fade Adetosoye, and BK Hdeh and Lumumba Harnett. OK. Those are
2 our Springbrook High School mentors, and altogether the task force I'm mentoring, which
3 John Smith to my right is the chair of, and which we have some representatives here as
4 well. Darrell????? and I will give John Smith a chance to say a few words in a little bit.
5 Yes. Councilmember Ervin, why don't you read the names of our elementary school
6 mentees?

7
8 COUNCILMEMBER ERVIN:

9 OK. From Broadacres Elementary School, we have Jesus DeJesus. Raise your hand.
10 Where are you? You're hidden. Brian Lovo. Abraham Sillah, Jesse Turicos. Did I say that
11 right? Johan Valdez. Brian Amaya. And Michael Ramos. OK. So I think we should actually
12 have John Smith come up to the microphone. I just want to say a couple of things about
13 John before we do the presentation. One of the things I've been most amazed by since
14 I've been elected here at the County Council is the countless hours that volunteers spend
15 in our county in different ways, and John Smith, to me, is a giant in that way because John
16 loves young people, and he has given of himself for years in the pursuit of an organization
17 that he helped to found. That is, behind us are mentors from Springbrook High School and
18 all these wonderful children who are being mentored by them. But this was an idea that
19 John had a long time ago, and I am really proud to be standing here with you once again
20 this year, John, because his program keeps growing and growing across the county. He
21 doesn't get paid for this work. He does it out of love for young people.

22
23 JOHN SMITH:

24 Thank you for those nice words. Well, the thing I really want to say is that this organization
25 is about 20 years old. It was founded specifically to do what we're doing, and this is
26 mentoring. And I should indicate who's here because you need to know. There's Joy
27 Rafey, who is our Director of Facilities Planning; Luis San Sebastian, who is the Assistant
28 Principal at Broadacres Elementary School. Is Will Johnson back there? Will is part of the
29 Recreation Department, and he's really the person that kind of coordinates this whole
30 thing with the Springbrook youngsters and the elementary school youngsters. And there's
31 Gabe Alborno. Good guy, good guy. He's very supportive of the kinds of things that we're
32 doing. This young lady I don't recognize.

33
34 MARIE KOCH:

35 Marie Koch, Assistant Principal of Springbrook.

36
37 JOHN SMITH:

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1 Oh! Nice. Glad you're here. And then we have Pat O'Neil, who's a member of the Board of
2 Education. Very supportive of mentoring. Judy Docca, who's also a member of the Board
3 of Education, and Shirley Brandman, who is the President of the Board of Education.
4 She's here. I must say that between Judy and Shirley, they are absolutely outstanding in
5 terms of the kinds of support that they have given this program. I also want to compliment
6 Phil because Phil Andrews--I mean, I work for Phil, and Phil has been very supportive of
7 mentoring, and I would not dare have a program like this without his presence. I got to say
8 about Val--last year, Val went to Broadacres, met some of the kids, and we decided that
9 this was a good thing to do--bring these youngsters up because among the things that
10 they're doing deal with leadership, which is a program of the Recreation Department. We
11 also introduced them to the idea of--it was interesting. The little kids that were here were
12 learning about government because these youngsters also are learning about
13 government--how government works, how you can become a civic activist, and so on.
14 Now, I can't close without indicating my wife is here. Raise your hand, wife. And my
15 daughter is here. Raise your hand, daughter. And where are the two kids that we are
16 mentoring? There they are--Jake and Will, and they're with my colleague, Lisa Mandel-
17 Trupp. I can't say any more about mentoring other than the fact that without the kind of
18 support that you see right here and now, we couldn't do this. The other thing I should
19 indicate, too, and I'm sorry Ike is gone. Ike was a supporter of this program when we didn't
20 have any money. OK? You know what money is, right? We didn't have any money, and
21 Ike was a long-term supporter of us, and he continues to support us as well. With that, I'm
22 gonna back up, OK?

23
24 COUNCILMEMBER ERVIN:

25 OK, we will now present the proclamations. Whereas the Rising Stars Mentor Program is
26 an important part of the Broadacres Elementary School community; whereas Rising Star
27 students have developed and sustained significant friendships with their mentors from
28 Springbrook High School; and whereas obtaining high quality academic success by
29 getting good grades in all classes is one of the main goals of Rising Stars students; and
30 whereas Rising Stars students have demonstrated improvements in school behavior,
31 completing homework, addressing classroom activities, and finding enthusiasm for special
32 project assignments, the Rising Stars are dedicated to being the best students they can
33 be; and whereas being positive role models to their fellow classmates, the Rising Stars
34 have made their parents, teachers, and school administrators proud of their
35 accomplishments; now therefore be it resolved that the County Council of Montgomery
36 County hereby congratulates the students of Broadacres Elementary Schools Rising Stars
37 Mentor Group, and be it further resolved that the County Council takes this opportunity to

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1 thank the Broadacres Elementary School administration and teachers, the Task Force on
2 Mentoring of Montgomery County Inc., the Montgomery County Department of
3 Recreation, and the school administration, teachers, and staff at Springbrook High School
4 for their dedication and collaboration in developing and implementing this outstanding
5 mentoring program. Presented on this 5th day of May in the year 2009, signed by
6 Council President Phil Andrews. Now, who should I hand this over to?

7
8 **COUNCIL PRESIDENT ANDREWS:**

9 Thank you, Councilmember Ervin, and I want to note that John was a mentor of mine, and
10 I very much value what he did for me, and I value very much what he continues to do for
11 so many people in this county through the Task Force on Mentoring. I'll read this
12 proclamation that recognizes that a number of noble Springbrook High School students
13 have been selected and trained as volunteer mentors to be friends to students at
14 Broadacres Elementary School, and whereas the Broadacres students mentee/mentor
15 program is known by the name of Rising Stars; and whereas the Broadacres student
16 mentees are being assisted by the Springbrook mentors in learning how to be more
17 responsible in completing homework assignments, improving their skills and grades in
18 mathematics and reading, language, vocabulary development, and speaking abilities; and
19 whereas the Springbrook mentors are helping the Broadacre mentees grow as leaders
20 and responsible citizens of their school and community, especially knowing how
21 government works and how to become good citizen-activists; and whereas the
22 Springbrook High School student mentors are making a difference and are making a
23 valuable contribution in the lives of the Broadacres Elementary School mentees, now
24 therefore be it resolved that the County Council of Montgomery County hereby
25 congratulates the students of the Springbrook High School volunteer mentor group, and
26 be it further resolved that the County Council takes this opportunity to thank the school
27 administration, teachers, and staff at Springbrook High School for their dedication and
28 collaboration in developing and implementing this outstanding mentoring program with the
29 students, administrators, and teachers of Broadacres Elementary School, the Task Force
30 on Mentoring of Montgomery County, and Montgomery County Department of Recreation,
31 of which Gabe Albornoz is the director. It's presented on this 5th day of May in the year
32 2009. It's signed by me on behalf of the Council, and thank you so much the great work
33 you guys are doing. And now the toughest part of the morning--getting everybody in the
34 same picture. So if everybody can come together and... All right. We are now going to
35 proceed to our general business, and that will begin with an announcement of agenda and
36 calendar changes.

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1 LINDA LAUER:

2 The legislative session this morning we've deferred Expedited Bill 3708, Disability
3 Retirement. It is tentatively scheduled for next Tuesday, May 12. On the worksessions,
4 we're deferring the NDA on leases. That will be rescheduled for Monday, May 11. We did
5 receive 3 petitions this week, one supporting full funding of the libraries budget, one
6 supporting a pedestrian bridge from the Wayne Avenue garage to the new Silver Spring
7 Library, and then residents supporting the Twinbrook Library. Thank you.

8
9 COUNCIL PRESIDENT ANDREWS:

10 Thank you, Miss Lauer. Our next action will be approval of minutes of April 16 and 21,
11 2009. Is there a motion?

12
13 COUNCILMEMBER LEVENTHAL:

14 Let's approve the minutes.

15
16 COUNCILMEMBER ERVIN:

17 Second.

18
19 COUNCIL PRESIDENT ANDREWS:

20 Councilmember Leventhal says, "Let's approve the minutes," and it is seconded by
21 Councilmember Ervin. All those in favor of approving the minutes of April 16 and 21, 2009,
22 please raise your hand. That is unanimous. Next is our Consent Calendar, and we have a
23 very--well, we have two Consent Calendars this morning, one regular one and one on the
24 operating budget. When we get to the operating budget, I'll mention that if we--I'll mention
25 it when we get to it.

26
27 COUNCILMEMBER FLOREEN?????:

28 I move approval.

29
30 COUNCIL PRESIDENT ANDREWS:

31 But for now we're on the first Consent Calendar, which is Item 3, and so I'll ask if there are
32 any comments on the Consent Calendar, Item 3. I do not see any. I will note that we're
33 confirming a number of appointments by the County Executive to boards and
34 commissions, and we very much appreciate our county residents who serve us in this
35 way. It's very helpful to have the advice, and we have wonderful people in our county who
36 have great talent who dedicate their time and talents to helping us make this an even
37 better county, and we thank them. And those folks being confirmed today are, to the

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1 Animal Matters Hearing Board, Alfred J. Ferruggiario and Allan Cohen; to the Cable and
2 Communications Advisory Committee, Mark Berman, Treffaney Lowe, Alex Cohen, Ling-
3 Bing Kung, Jose Zegarra Holder, Mona Hall--Monica Hall--I'm sorry. Mona Hall McKenzie,
4 and Noreen Wells. To the Department of Permitting Services Advisory Committee, Daniel
5 Harper. To the Down County Recreation Advisory Board, Michael Sandner. To the Local
6 Management Board for Children, Youth, and Families, Carol Garvey, Arva Jackson,
7 Dolores Kozlowski, and Judith Covich. To the Mental Health Advisory Committee, Julia
8 Scheerer, Celia Young, Paula Puglisi, J. Thomas Thornburgh, Carol S. Allenza, Elizabeth
9 Arnold, Sako Maki, and Scott D. Greene. And to the Western Montgomery County
10 Citizens Advisory Board, Mark Korman, Virginia A. Miller, Harlivleen--or Livleen--Gill,
11 Daniel Hoffman, Heather Dhopolsky, Sue F. Knapp, and Syed M. Salahuddin. So we
12 thank all of those appointees, who are on our list to confirm this morning, for their
13 willingness to serve our county, and since I don't see any questions or comments on the
14 Consent Calendar, we are ready for a vote. All those in favor, please raise their hands.
15 That is unanimous, and the Consent Calendar is approved. We'll now move on to our
16 District Council session, Item 4A: Action resolution to establish a public hearing on the
17 Twinbrook sector plan sectional map amendment G-880 for June 9, 2009, at 1:30 PM. Is
18 there a motion?

19
20 COUNCIL VICE PRESIDENT BERLINER:

21 So moved.

22
23 COUNCILMEMBER ERVIN:

24 Second.

25
26 COUNCIL PRESIDENT ANDREWS:

27 Moved by Council Vice President Berliner. Seconded by Councilmember Ervin. All those
28 in favor of establishing a public hearing for June 9, 2009, 1:30, on the Twinbrook sector
29 plan, sectional map amendment, please raise your hand. That is unanimous, and the
30 public hearing is scheduled. Next item is introduction, zoning text amendment 9-03--home
31 occupations and residential off-street parking, sponsored by the District Council at the
32 request of the County Executive. The action is a resolution to establish a public hearing
33 for June 9, 2009, at 7:30 PM. Is there a motion? Motion by Councilmember Elrich,
34 seconded by...

35
36 COUNCIL VICE PRESIDENT BERLINER:

37 Second.

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1 COUNCIL PRESIDENT ANDREWS:

2 Council Vice President Berliner. All those in favor of establishing a public hearing on June
3 9 for ZTA 9-3, please raise your hand. That is unanimous, and that is approved 8-0. Next
4 is an introduction resolution regarding the request for waiver of filing fee. Dr. Benesh
5 represents--requests a partial waiver of filing fee for a new zoning application on a 16,552
6 square foot property in Germantown. Action tentatively scheduled for May 12, 2009.
7 Without objection, that is introduced for consideration. Our next item is legislative session
8 day number 18, Introduction of Bills. Bill 22-09, Enforcement of County Laws--Notice of
9 Violation--Appeals, sponsored by the Council President at the request of the County
10 Executive. A public hearing is scheduled for June 9, 2009, at 7:30 PM. Without
11 introduction, that is introduced. Next, Bill 23-09, Unused Vehicles--Storage, sponsored by
12 the Council President at the request of the County Executive. Public hearing is scheduled
13 for June 9, 2009, at 7:30 PM. Without introduction, that bill is introduced. Bill 24-09,
14 Buildings--Permits and Inspections, sponsored by the Council President at the request of
15 the County Executive. Public hearing is scheduled for June 9, 2009 at 7:30 PM. Without
16 objection, that bill is introduced. And finally for introduction this morning, Expedited Bill 25-
17 09, Contracts and Procurement--Minority-Owned Businesses--Amendments, sponsored
18 by the Council President at the request of the County Executive. Public hearing is
19 scheduled for June 9, 2009, at 1:30 PM. Without introduction--without opposition, that bill
20 is introduced as well. Next, we are deferring the bill for final reading which had been
21 scheduled today, the Disability Retirement bill. We will have that scheduled for next
22 Tuesday. And our miscellaneous business is an action to a resolution to extend the
23 expiration date until December 31, 2009 of Bill 38-07, moderately priced dwelling units -
24 amendments, and so this is an action item. All those in favor of the resolution to extend
25 the expiration date until December 31 for Bill 38-07--

26
27 CRYSTAL BROCKINGTON

28 Council President, we need a motion.

29
30 COUNCIL PRESIDENT ANDREWS:

31 We need a motion. All right. We have a motion by Councilmember Elrich, seconded by
32 Council Vice President Berliner. I don't see any comment, and all those in favor of
33 extending the expiration date till December 31, 2009 for Bill 38-07, please raise your
34 hand. And that is unanimous. All right. Now we are going to move on to the consent
35 calendar for the FY10 operating budget, and it is a long calendar, as--as you can see.
36 Most of what I'm holding up is on this consent calendar, and it includes a long number of
37 budgets that are listed in the agenda packet. If anyone would like to pull anything off the

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1 consent calendar, we have time on May 11 to have it discussed individually, but these
2 consent calendar items are thought to be those that there is broad agreement on and
3 perhaps no controversy about. But I never assume that that is always the case, so I'll ask
4 if there are any comments about the consent calendar, and I see that Councilmember
5 Knapp has a question or a comment.

6
7 COUNCILMEMBER KNAPP:

8 Thank you, Mr. President. The only question I have that could potentially impact our
9 budget, depending on how the week progresses, is on Item 64, liquor control. There is
10 obviously some capacity there to do general fund transfers. I know there was a significant
11 increase for that last year. I don't know that we need to spend a lot of time bringing it back
12 on the 11th, but I would just like to get some sense as to what is the capacity to assume
13 an additional fund transfer from that? I know that that was a--we may have a lot of money
14 that we need to try and find. I just don't--having not been a part of the committee, I don't
15 know what that conversation was and if there's something there that we should be
16 exploring.

17
18 COUNCIL PRESIDENT ANDREWS:

19 OK. Excellent question. We did pursue that in committee. The shorter answer is it's felt
20 that it's at the maximum it could go to because of the purchase of the Finmarc property
21 and the money that we needed to help finance that, and that we already at a fairly
22 ambitious level on the transfer--this year, this is 27 million, and it will probably be quite--
23 quite close, quite tight. So we did look at that. I'm happy to pull that off and have us come
24 back on the 11th, if you like.

25
26 COUNCILMEMBER KNAPP:

27 If the committee has explored that, then I don't necessarily know that that's--that's there.
28 Just--

29
30 COUNCIL PRESIDENT ANDREWS:

31 OK. We did.

32
33 COUNCILMEMBER KNAPP:

34 Make sure that was an option on the table.

35
36 COUNCIL PRESIDENT ANDREWS:

37 Yeah, we did look at that specifically, having the same motivation that you do.

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1 COUNCILMEMBER KNAPP:

2 I will just make 2 other observations. In the planning, housing, and economic development
3 committee, when we looked at the regional services centers, we had conversations where
4 we discussed how they have been scaled back dramatically over previous years, and the
5 regional services centers serve as one of our real key elements of communication with our
6 community. And one of the observations I would note is if you look at the office of the
7 county executive, we have increased staffing there. Well, it's come back down a little bit
8 this year. We went from 40 work years to 52 work years from FY08 to FY09. A significant
9 portion of that went into the community partnerships piece, and one of the things we
10 discussed was making sure that the Office of Community Partnerships was being
11 leveraged to assist with our regional services centers in helping to get their message out
12 and to help them with communications with their individual communities, since we have
13 effectively kind of transitioned taking people away from regional services centers and put
14 them into a community partnership function, which are serving similar roles, not-- well, not
15 the same roles. And so I would just make the observation that I think that the Office of
16 Community Partnerships needs to be working very closely with our regional services
17 centers since they are our front line of defense and our first folks on the ground in many
18 respects. And then... one more piece. Oh, and then Office of Human Resources. The only
19 observation I would make there is similar to one I made yesterday with the WSSC. This is
20 a pretty difficult year. We're asking a lot of folks to do a lot more with a lot less. In all
21 likelihood, by the time we're done, they will have less compensation than they had
22 anticipated, and I would just ask our Office of Human Resources to explore during the
23 coming months to come up with mechanisms that we can assess how our folks are doing
24 within our various departments and agencies. I think it's important for us to have a good
25 sense of that and make sure that there are efforts underway to keep morale up. We've got
26 a lot of folks doing a lot of extra work right now, and I would like, for one, to have some
27 sense of how that's going and how our folks are doing at trying to deliver a lot more with a
28 lot less, and OHR is a logical place to kind of serve as the coordinator across our
29 departments and agencies to make sure that happens. And so while there is no specific
30 budget item there, when I look at what their duties and functions are, that would seem to
31 be a primary one, and given what we're facing this year, I would encourage them to do a
32 lot of outreach in that respect and report back to us periodically throughout the year.

33
34 COUNCIL PRESIDENT ANDREWS:

35 Thank you. I think that's an excellent recommendation initiative, and our employees are
36 doing a lot and under heavier workload in the coming year and now, so it is an important
37 responsibility of the--of any employer to--to look out for their employees and to be aware

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1 of trends and concerns that may arise as a result of the additional workload and other
2 additional pressures. Councilmember Floreen is next.

3
4 COUNCILMEMBER FLOREEN:

5 Thank you, Mr. President. I just wanted to express my appreciation--this is on items--
6 agenda items 48 and 49. I want to express my appreciation to the joint meeting--the
7 members of the Health and Human Services and Education committees for their
8 recommendations on this one small thing. It's not a big-ticket item, but they have
9 recommended that we attempt to restore in part funding for training incentives for new
10 child care providers. It's-- it's pennies on the scale of the budget that we're looking at, but I
11 do think it's such an important priority to our families and to our children, and I hope that
12 will be able to snarf up \$17,000 in the course of our final budget reconciliation. I think
13 making sure that we have safe and--and well-managed child care services to our children
14 is probably one of our most important obligations, and my kudos to the committees, and I
15 look forward to finding some spare change for that in a final budget reconciliation. So,
16 thank you all.

17
18 COUNCIL PRESIDENT ANDREWS:

19 And thank you, Councilmember Floreen. I want to compliment all of my colleagues on the
20 hard work that has gone on to this point to review the many budgets that have come
21 before us. Committees have--have looked carefully and spent--and our staff has--has ably
22 prepared us through their careful review and recommendations. I want to thank our fifth
23 floor staff that worked so hard to--to provide-- help us provide the appropriate scrutiny for
24 all of the matters that come before us, including these budgets, which are really right at
25 the center of what we do here at the Council, and where we're spending almost all of our
26 time right now. Councilmember Trachtenberg is next.

27
28 COUNCILMEMBER TRACHTENBERG:

29 I thank you, President Andrews. 2 points quickly. One would go to the comments provided
30 by Councilmember Knapp. Again, specifically around the Office of Human Resources, and
31 one of the things that we have discussed broadly in the committee was to have some
32 sense of information updates provided on a quarterly basis, specific to some of the
33 staffing cuts that departments are actually going to experience in the course of the next
34 few months, so suffice it to say that we will have detail I think that you were asking for
35 through the MFP Committee work structure, and we'll make sure that that information is
36 provided to all of our colleagues. The second thing that I wanted to just make some very
37 brief comments about is the HHS/ED item, specifically to linkages to learning and school

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1 health services, the high school wellness center, and school-based prevention programs. I
2 didn't have the opportunity to participate in the committee work session because of a
3 caretaking responsibility, but one thing I wanted to stress is the significance of school-
4 based programming and the need to continue to develop school-based services for
5 children. I don't think I'm alone when I suggest that that really needs to remain a priority.
6 It's something that is vitally important, especially when we look at achievement issues for
7 children, but, quite frankly, given where we are fiscally in the community, I think the need
8 will only be greater. And one of the things that I've had the pleasure of participating in
9 have been a number of conversations through the Obama administration on the
10 development of mental health programming for children, and I would hope that that would
11 be a topic, and I would direct this to Councilmember Leventhal that we can actually take
12 up in HHS perhaps at some point in the summer when things are a little slower. There are
13 some things about to break, and I think it would be constructive for us to talk a little bit
14 about some of those federal initiatives which are about to be forwarded, and I think it
15 would also be a benefit to continue to develop a very strong strategic focus on school-
16 based services, specifically mental health services for--for children. So, I just wanted to
17 put that out there as something that I am intending on focusing on, and I'm sure my
18 colleagues will join me in working on the very important topic that I've outlined.

19
20 COUNCIL PRESIDENT ANDREWS:

21 Thank you, Councilmember Trachtenberg. All right. I don't see any other comments on the
22 consent calendar. I am going to just take a minute and ask my colleagues to bear with me.
23 I'm going to read--I am. The reason I'm going to read the items that we're approving is that
24 we have people watching who don't have access to the agenda, and I also want to
25 acknowledge--I also want to emphasize this is preliminary approval. This is not final
26 approval. We hope not to have to come back, but it's possible that we will have to if we get
27 any bad news in the next week or 2 that revises revenues down. So, this is preliminary,
28 but the--the budgets--and these tend to be the smaller offices in the county, but not--
29 they're not all small--are the Hearing Examiner, the Board of Appeals, the People's
30 Counsel, the non-departmental accounts, Historic Activities, the Department of Permitting
31 Services, the NDA--that's the Non-departmental Conference and Visitors Bureau, the
32 Conference Center, Closing Cost Assistance, CIP amendments through the Housing
33 Opportunities Commission, the non-departmental account for the Housing Opportunities
34 Commission, the CIP amendments, the Burtonsville Community Revitalization, Facility
35 Planning, regional services centers, urban districts, Board of Elections, the non-
36 departmental account for the Charter Review Commission, the Ethics Commission, Death
37 Service, Finance Risk Management, and non-departmental accounts, Risk Management,

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1 Working Families Income Supplement, State Property Tax Services and restricted
2 donations, the non-departmental accounts for the grants and municipalities in lieu of
3 shared taxes. Future federal, state, other grants: Takoma Park police rebate, municipal
4 tax duplication, the Office of Management and Budget, the county attorney, the Public
5 Information Office, the Office of Human Resources, the Merit System Protection Board,
6 the County Executive Office, Inspector General, and Intergovernmental Relations, non-
7 departmental accounts for county associations, public technology, incorporated, Council
8 of Governments and boards, committees, commissions. Office of Legislative Oversight
9 and Independent Audit, non-departmental account, the counsel office, the non-
10 departmental for the Takoma Park Library annual payment, the Commission for Women,
11 the non-departmental account for historic activities, historical activities, historical society,
12 the Public Arts Trust, CIP amendments, capital improvement amendments for cost
13 sharing for the Warren Historical Site Committee, the foster care transportation, Kennedy
14 Cluster Project, Linkages to Learning, school health services, high school wellness center
15 and school-based prevention programs, pre-kindergarten services, child care subsidies,
16 services to children with special needs, infants and toddlers, parent support services,
17 early childhood services, general services facilities, general services procurement and
18 related programs, CIP amendments on general services, CIP Amendment on agricultural
19 land preservation easements, Department of Environmental Protection, CIP amendments
20 for the Department of Environmental Protection, non-departmental account for the climate
21 change implementation, the CIP Amendment for energy conservation in Montgomery
22 County Government, CIP amendments for conservation of natural resources, the Office of
23 the Sheriff, the Office of the State's Attorney, the Circuit Court, the Office of Consumer
24 Protection, the non-departmental account for prisoner medical services, the Department of
25 Liquor Control, the Emergency Management and Homeland Security Office, the CIP
26 amendments for fire and rescue, which are minor this year, the CIP amendments for the
27 Wheaton Rescue Squad relocation, the community use of public facilities, and the non-
28 departmental account for the Montgomery County Coalition for Adult English Literacy. So,
29 that is what is on the consent calendar for the operating budget that we are giving
30 preliminary approval to this morning, and I now will entertain a motion to approve that
31 consent calendar. That's moved by Council Vice President Berliner, seconded by
32 Councilmember Ervin. All those in favor, please raise your hand. And that is unanimous.
33 All right. We are going to go on now to the Department of Correction and Rehabilitation,
34 and I will ask Susan Farag, who is our legislative analyst for that, to join us here at the
35 table and I will find the packet for that. It's item number 71 in the--today's packet.

36
37 UNKNOWN SPEAKER:

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1 You got it?

2
3 COUNCIL PRESIDENT ANDREWS:

4 I do. Thank you. And we are joined today by our--our representatives from the Department
5 of Correction and Rehabilitation, and I'm gonna ask them to introduce themselves for
6 those listening in and watching on television. Director? There you go. Just--that's it. Speak
7 right into it. It's not on yet. There you go. You got it.

8
9 ART WALLENSTEIN:

10 Art Wallenstein, director of Department of Correction and Rehabilitation.

11
12 MARK WULFF:

13 Mark Wulff, Correction chief, Management Services.

14
15 ED PIESEN:

16 Ed Piesen, Office of Management and Budget.

17
18 COUNCIL PRESIDENT ANDREWS:

19 Good morning to you all, and thank you for the very good work that you do on behalf of
20 the people of Montgomery County. I have said this before and I will say it again: I think we
21 have the best Department of Correction and Rehabilitation in the country, and I think it's
22 because of a great team effort at the department, ably--very ably led by Director
23 Wallenstein and great executive staff, and a terrific group of employees that produce
24 excellent results for the people of this county and for the people they serve. I'm gonna ask
25 Susan Farag, our legislative analyst, if she has any comments that she wants to make
26 about this budget which she worked on.

27
28 SUSAN FARAG:

29 I thought the only thing that might be--the Council might be interested in hearing is about
30 the agreement they have with DGS as far as doing the-- taking the bus contract over for
31 cleaning services, which would allow them to restore a work crew supervisor.

32
33 COUNCIL PRESIDENT ANDREWS:

34 OK. And let me--before you go into that, let me just summarize briefly that the Public
35 Safety Committee accepted the budget as proposed by the county executive. We felt that
36 it was very well scrubbed. The department was asked to come up with--I think it was \$3
37 million in--in reductions and the state cut the state aid for per diem aid by 92% in this

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1 general assembly session, which is a huge hit and which will be--is a great concern as the
2 state is really walking away from its responsibility in that area, and that is unfortunate. But
3 it is putting additional pressure on this budget. There was one change--the committee did
4 recommend putting one position on the reconciliation list for a consideration, and that is a
5 laboratory assistant position at pre-trial services for 72,000. That was the only change that
6 we made. We felt that with the 5%--I believe it was a 5% reduction in the budget from last
7 year, that the department is gonna have a challenge managing at that level, but we know
8 that with the leadership they have, they will--they will be doing their utmost and doing the
9 best that is possible. But Director Wallenstein, would you like to make any comments
10 about the budget and about the item that was mentioned by Ms. Farag?

11
12 ART WALLENSTEIN:

13 Budget presentation for the department takes place at a time that our population
14 continues to grow in every dimension. The average daily population of the department
15 grows. The number of bookings into the central processing unit is up by almost 6%. That's
16 an enormous number. And the number of actual bookings from Central Processing into
17 the jail is up by 9%. The average daily population is up by about 4%. So, just understand
18 in the context of you reviewing our work, we continue to grow irrespective of any other
19 considerations.

20
21 COUNCIL PRESIDENT ANDREWS:

22 And you have very little choice about that, because you are-- you're not making the
23 arrests, you are not doing the sentencing, you are handling those folks who come your
24 way.

25
26 ART WALLENSTEIN:

27 We do. We don't obviously blame it on the police. They have their job to do, we have ours,
28 and the courts choose to utilize Montgomery County for a wide range of sentences that
29 almost in every other county in Maryland are sent to the state prison system. We've
30 discussed that periodically before the Public Safety Committee. We should take it as a
31 compliment. Now we take it as essentially an enormous strain and just something that we
32 have to cope with and might engage. Let me respond really briefly to Susan's point,
33 because I think this is a program, really, that the Council supports and has supported. Our
34 pre-trial program, Sharon's entire effort, had significant diversion elements. It isn't just the
35 felony people who make bail. It's a wide range of minor offenders who are assigned by the
36 state's attorney and our pre-trial program to diversion efforts for both substance abuse,
37 drug abuse, minor offenders. It saves the state's attorney thousands of prosecutions over

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1 the course of a year that they would otherwise have to move to court and creates an
2 opportunity for many young people to have their criminal behavior expunged, gone,
3 finished. That's a program Council has supported. We felt we were gonna have to reduce
4 to get to our 3.2 million one of our work crews. And the work crews, frankly, burn off
5 community service hours. We're out there doing work all throughout this county. In walks
6 David Dise to the rescue. David had a program need. Some very detailed work. It's not
7 displacing any union members. It's not displacing any organizations. It's helping him work
8 on interior-specific cleaning of buses. And he knows how effective we've been helping
9 local jurisdictions and other groups in the county, and he said, "Let's give it a try as it
10 relates to transportation." So rather than have to abolish that work crew, we are going to
11 start performing this work for Transportation and for General Services with a work crew of
12 10 people who will work 5 to 7 days a week working on selected projects for General
13 Services. This isn't the first time David found creative ways to use existing resources in
14 the county, and we hope he loves us and would like to expand it in the future, because if
15 we could create another--for every \$80,000, we can create a work crew with 10 young
16 offenders to work 5 to 7 days a week to, a, provide service, and, b, to burn off community
17 service responsibilities from the court. I think it's win-win across the board, and we're
18 gonna hope to wow David with the quality of the work that we can do. That's it.

19
20 COUNCIL PRESIDENT ANDREWS:

21 And he appeared to be extremely supportive during your comments. Nodding his head
22 and--

23
24 ART WALLENSTEIN:

25 Well, David's been an extraordinary addition to the management team in this county, and
26 he looks for different ways to do things, and we're very appreciative.

27
28 COUNCIL PRESIDENT ANDREWS:

29 We appreciate a good collaboration that exists there as well as with the other departments
30 that you work with. We are actually on schedule, which is good, and I know the Council is
31 always interested to hear from you about what trends that you see in your department, so
32 can you take a couple minutes and tell us what you see happening?

33
34 ART WALLENSTEIN:

35 Growth in criminal justice process exists. It's a reality and it's across all of the dimensions.
36 It's not a wave, but there's no question that we have seen an increase in gang arrests.
37 Our gang population--serious gang population. We're not talking about wannabes who

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1 have no impact on the system. We're talking about serious involved gang members
2 coming into our department. Rob Green has done an extraordinary job up at Clarksburg
3 engaging this even as late as yesterday. It involves attention. It involves intelligence work.
4 We are sharing with the police constantly. That's a real major trend--growth in gang
5 population, irrespective of anything else going on in this community. The growth in the
6 number of people coming in. It's interesting--our population is not based on how many
7 people come in on a daily basis. It's how many stay. Jail populations are a function of 2
8 elements, and they have never changed-- how many come in and how long they stay. In
9 hopefully a good department, many can come in but many are also diverted appropriately
10 that don't contradict public safety. And we're seeing a significant increase in work done by
11 our pre-trial unit--assessing people at the point of entry, moving more people into pre-trial
12 supervision so they don't have to take up jail space. Not at the expense of public safety.
13 No one is being recommended for pre-trial release who we consider to be a bad risk. Plus,
14 the court has the ultimate determination. The last remaining housing unit it still closed--
15 W26. The moment we open it, it's about \$800,000 in overtime to staff it until we would
16 staff up with full-time positions. So, we see this growth in population. And Council, I think,
17 just needs to know that as funds go into various enforcement areas, there are impacts and
18 outcomes-- I will say downstream. They're not really downstream, they're immediate as it
19 relates to the correctional system. And we hopefully do our work as well as we possibly
20 can. And it isn't just uniformed staff. It's all of our casework staff, our case managers, our
21 pre-trial assessment group. The folks working at pre-release. It really affects the entire
22 department. And we don't complain. It is what it is, and we'll have to live within the
23 confines of the budget for this year and see what the impacts will be as we move into
24 some uncharted area, but do remember we are not reducing the staffing for any security
25 post in the department. We are not going to intermittent supervision. We are still filling
26 every post every day with overtime if it's vacant, Whatever it may be. And also, another
27 trend, and I'll conclude with this, is that our use of overtime has gone down. And I'll just tell
28 you--and the obvious question is "So, why?" The county staff program, I think, has been
29 the most exceptional addition to management capacity in this county in my 10 years as a
30 department director. It focuses in, allows no wiggle room, and all the public safety
31 agencies have been able to give greater scrutiny to overtime utilization. And we've been
32 successful. PRRS has had a major reduction in overtime. Rob Green has seen a
33 reduction in his overtime. Not through magic. Some of it's through targeting cases where
34 certain staff don't come to work regularly. Others is better utilization of resources. Sick
35 leave has certainly gone down. The one remaining element, and it's a trend issue,
36 hopefully for discussion at a later date, is that area of employees injured on duty and off-
37 duty and how long it takes them to return to work, because you fill with backfill overtime

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1 until the employees who work the post come back to work. It's sort of the one remaining
2 element of this review. Beyond that, reentry is certainly receiving more attention with the
3 passing of the Second Chance Act, the superior work being done at PRRS and at MCCF
4 with their reentry program. We hope to continue as much as we possibly can. So, there
5 are a lot of interesting issues going on at the very time, of course, that the budget impacts
6 are quite dramatic and across the board, not just for us but for all the agencies in the
7 county.

8
9 COUNCIL PRESIDENT ANDREWS:

10 Thank you for that--that summary. And I will turn to my colleagues to see if they have
11 questions. Councilmember Knapp has a question or comment.

12
13 COUNCILMEMBER KNAPP:

14 Thank you, Mr. President. As always, commendations to the Department of corrections.
15 You do a fabulous job and continue to impress each time you become before us. You
16 alluded just briefly to--or the--or the president did--as to the state funding issue, and I just
17 wanted you to touch on that briefly on another issue, because I think it's important for us
18 to understand that. As a county, we are a significant donor to the state's coffers, and we
19 recognize that and we get less back because we're helping benefit the rest of the state,
20 but this is one of those areas where we're actually providing additional services because
21 we do it well, you do it well, and even in doing that, we're not getting compensated for the
22 services being provided, as I understand it. So I just wanted to--if you could clarify that
23 and just explain to us a little bit about what's happening, because it's one thing if
24 resources are going other places because we seem to be wealthier, it's another thing if
25 we're actually providing a service and we're not being compensated for the service that
26 we're providing and getting lots of resources other places. I think that's a real problem. I
27 just want to understand that a little better.

28
29 ART WALLENSTEIN:

30 Fair enough. I know you've been confronted with many areas of traditional state funding
31 that have been diminished. This one has been ripped to pieces. Our reduction was about
32 92%. This is under state law. This is the reimbursement to the county for bed days served
33 in county institutions that have been provided to all counties in the state of Maryland,
34 going up to 18 months of custody. There's a certain dollar figure that we get for bed days
35 over how many days of the people being with us?

36
37 UNKNOWN SPEAKER:

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1 Right now, it traditionally has been ??????...

2
3 COUNCIL PRESIDENT ANDREWS:

4 Go ahead and just push the mic.

5
6 UNKNOWN SPEAKER:

7 ...from the 90th day to the 365th day.

8
9 ART WALLENSTEIN:

10 All right. The dollar figure has been reduced significantly that we're reimbursed. The
11 amount of time for which the reimbursement has basically been eliminated, and I'll tell
12 you, the real kicker is we're paid a year late, and they held the state harmless on last
13 year's appropriations, so the check won't be coming on that money that the county was
14 already anticipating. This affected every county in the state of Maryland. I think it
15 happened at the eleventh hour. I mean, we obviously did engage our members of the
16 Senate Appropriations Committee. There was no opportunity to do it prior to that. And I
17 know there were enormous pressures on the part of members of the legislature. What I
18 would like to do, Councilmember Knapp, is provide you with not to exceed a 2-page
19 briefing note so I can hit all the major points and not miss anything.

20
21 COUNCILMEMBER KNAPP:

22 No, that's--no, I appreciate that.

23
24 ART WALLENSTEIN:

25 All right, this is a real reduction to Montgomery County of over \$3.5 million that has
26 traditionally flowed into the county coffer to fund government in general.

27
28 COUNCILMEMBER KNAPP:

29 But--but again, as opposed to--we have this conversation with the state where they kind of
30 like to come up with this great, big lump sum of "see state aid," much of which actually
31 goes to the state agency, which are--creatures of the state, which are the school boards.
32 But then there's this other thing like they're just giving us money because it's a nice thing
33 to do, and the reality is, it's a service that you're providing, and I'm guessing it's a trend
34 that we're seeing locally is we're seeing more people in our Department of Corrections.
35 We're probably getting more people from the state that are coming into our Department of
36 Corrections. So we're doing more and you're being paid less for the service that you're
37 providing. It's not just this nice "hey, we feel really--we want to be nice to the local

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1 jurisdictions and give them some money." You're--you actually got money out of pocket
2 and money that you thought you were gonna have to run your system because the state
3 just didn't provide for the services that they're asking us to get them.

4
5 ART WALLENSTEIN:

6 We've worked for 5 years under Mark and Paul Hadeed's leadership to bring our per diem
7 rate up to that which it actually costs, and we were getting very close. Now it's been
8 tumbled down to \$45, which isn't even close, of course. Also, remember, most states in
9 America only hold prisoners at the county level up to 12 months. Maryland holds prisoners
10 up to 18 months. That's a sizable population that could otherwise be in state institutions
11 and wouldn't draw down any county resources. More than likely, it wasn't a big issue until
12 all the funding was taken away from the per diem program, and it seems to me now that's
13 a sort of valid area, not tit for tat, but if there's no money coming in, maybe we should
14 diminish the number of people who we're holding who could otherwise be in state
15 correctional facilities. I mean, it is what it is. We took a huge whack.

16
17 COUNCILMEMBER KNAPP:

18 I appreciate that and I would appreciate the memo. I just think it's an important issue to
19 understand because it's not just this, you know, waiting for the beneficence of the--of the
20 state to come down and provide us money. You guys are doing something and people are
21 doing a job every day. The other piece, and it's just an observation I would make. You just
22 referenced something that one of your department heads referenced yesterday, which as
23 a result of the reductions that you are seeing, to meet this year's budget demands, there
24 could be impacts on your people. They're doing more with less, as we talked about earlier.
25 And I guess I would welcome your providing us that information as you go through the
26 year, because unfortunately, the way we tend to approach budgeting is, we look at your
27 department and we look at somebody else's department, and we tend not to kind of look
28 across all of--all of the budgets and begin to try and move pieces around, because that
29 just historically is not the way things have been done. And yet I think if--as we heard the
30 county executive this morning say, next year's gonna be at least as bad as this year. I
31 don't know how sustainable it is for us to continue to force our people to do more with
32 less. We may need to make some more structural and organizational changes, and if that
33 means in some of our departments, we scale back hours to be more commensurate to the
34 number of people we have so that those people who are in the department can take the
35 time and have them do their jobs well as opposed to being stretched thin, and then
36 reallocate resources to other departments to make sure we have the appropriate level of
37 staffing to not stretch those people thin. I think those are the kinds of decisions that we're

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1 gonna have to make, and it's gonna be important for us to hear from our department
2 heads throughout the course of the year what is the additional stress on your people?
3 What are you seeing? What are the trends? Are you seeing increased sickness? Are you
4 seeing overtime? Because while overtime has been down, I would guess overtime's
5 gonna have to creep back up a little bit to address some of these issues here, and that's
6 not a ding on you guys. That's just trying to get the job done. And so I think it's gonna be
7 important for us to see that so when we get to this point 6 to 9 months from now, we're in
8 a position to be able to talk about organizationally how does county government more
9 broadly look to reflect the demands we have within our specific departments. Thank you.

10
11 COUNCIL PRESIDENT ANDREWS:

12 Thank you, Councilmember Knapp. And I definitely--I know the whole Council will be
13 interested to-- to receive the memo that Councilmember Knapp asked for, and it is
14 important for us to understand where the state is going as well in this general area,
15 because I'm concerned about this trend that has begun. And I wanted to ask one other
16 question, and that is, you've talked a little bit about how you appropriately divert
17 individuals into pre-trial services so that they--when-- when appropriate can be held in a
18 way that doesn't impact the jail population while they're awaiting trial. What are you doing
19 now in terms of reentry services in working with the community and other departments,
20 because of course, we all want the--this to be a one-stop shop in the sense that we want
21 to do everything we can to reduce the recidivism of people who go through the jail, and do
22 what we can to help them become productive members of the community. So what's
23 being done in that area?

24
25 ART WALLENSTEIN:

26 Reentry is engaged really in our 3 divisions that have a real community focus. Pre-trial not
27 traditionally considered reentry, but it really is because they're going right back home, and
28 hopefully they go back and they engage issues in a more sustainable and appropriate
29 manner, and Sharon and her staff do a great deal in that regard. The pre-release center,
30 of course, continues to work to refine its program with Stefan's leadership, trying to push
31 away from, let's say, in some respects older ways of doing things and looking at evidence-
32 based practices as we try and figure out what might have a greater potential for success.
33 And that program still continues to, as far as I can see, do work that is still not done
34 elsewhere in the state of Maryland, and it's done in very few places in the country. And so
35 that program continues to operate. The work that Rob Green and his staff have developed
36 at Clarksburg, bringing reentry efforts to people who don't qualify to go to the pre-release
37 center because of their criminal histories, criminal records, duration of length and time,

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1 detainers in other jurisdictions, has continued to be quite strong as we build relationships
2 with a host of organizations in the community. We have one tipping point this year, the
3 one stop that was enormously creative, to put it inside the jail. The funding ends this year.
4 We are actively involved with several foundations. We've actually received some
5 foundation money. We have 2 different Byrne Grant applications, so we're hoping to
6 continue that linkage to the Department of Economic Development that has really helped
7 us break some new ground. And it was really something that Secretary Tom Perez was
8 using as a model that he hoped to do in state institutions. So we're gonna keep pushing
9 and see if we can't keep that program operating with our colleagues in Economic
10 Development. So I think the reentry focus has not changed. Education continues strong.
11 And let me make one real quick point. I don't want to belabor this. Let's assume someone
12 says to you, "In a budget crisis, we shouldn't be funding any fluff," whatever "fluff" means.
13 When you stop providing meaningful activities for the inmate population in a maximum
14 security correctional environment, assaults on staff will go up. Assaults on inmates will go
15 up. And then you will begin to hear issues that you have not had to deal with as a Council.
16 Labor will be forced to become very focused. We believe that our programs, which, by the
17 way, are not excessive in funding in any way, provide the first line of security to our
18 correctional officers, because if an inmate is in an adult basic ed class, they are not
19 scheming about how to engage in gang violence regarding the fellow next door or confront
20 correctional officers in a negative way. So before there's any discussion that maybe
21 A.B.E., G.E.D., ESOL, isn't a mandatory, yes, it isn't mandatory except for special
22 education services under Maryland law. I believe it's mandatory for the safety of our
23 employees. And I don't think we want to go in any direction, because that would be rolling
24 the dice as it relates to safety issues that neighboring counties have experienced that we
25 fortunately haven't had to engage. We're continuing with the reentry focus.

26
27 COUNCIL PRESIDENT ANDREWS:

28 Right. And the other half of that really is that since everybody is going to be going back
29 into the community, you want to break the cycle of violence--or break the cycle of criminal
30 behavior that-- that has been present and change it.

31
32 ART WALLENSTEIN:

33 Well, this Council has always believed that the adult correctional system should make the
34 effort. With my HHS colleagues, we all know we need to engage this as a point of view of
35 early childhood development, all right, from in utero to age 3 and up through age 8, 9, and
36 10, and very high focus years, but it doesn't mean that we assume that every offender is
37 going to recidivate continuously, because the data doesn't show that, either. Substance

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1 abuse treatment works. Not in every case, of course. But not to do it when we have this
2 captive population, I think would speak badly of us when the cost is not astronomical, and
3 we've shown some very positive results. We have to keep at this.

4
5 COUNCIL PRESIDENT ANDREWS:

6 All right. Thank you. And my final question is, what's the number of--of people that are
7 released on an annual basis from--from-- from your department back in the community?

8
9 ART WALLENSTEIN:

10 For the first time, we hit 10,000 jail releases. We went over the 10,000 mark in bookings
11 and releases, and the number leaving CPU is 16,000, over 16,000 a year. As a county,
12 this is not enormous. This is not a county that has a huge criminal justice focus, because
13 this is not a county with an enormously high crime-related issue, but we're growing
14 incrementally. The world is changing both demographically and in a whole wide range of--
15 of areas, and we just need to stay on top of it.

16
17 COUNCIL PRESIDENT ANDREWS:

18 Thank you. Councilmember Ervin has a question or comment.

19
20 COUNCILMEMBER ERVIN:

21 I was really listening carefully when you talked about programs and fluff, and I wanted to
22 ask you a question about that. What--what kinds of programs are you referring to,
23 because I know how well the programs work, and so I want to know what you're referring
24 to specifically so we can make sure to be on the lookout for what some might consider
25 fluff but what are necessary...

26
27 ART WALLENSTEIN:

28 That was a rhetorical expression that someone might come to Council and say, "Please
29 fund A, B, and C. We shouldn't be providing educational services to the inmate population.
30 It's bunk, all right? Education and its relationship to criminal behavior clearly is significant.
31 The absence of workforce development services. Look what this county has done with the
32 one-stop movement. Thousands of people have moved into the world of work. So that
33 was my choice of rhetorical language in case it comes to you, and if anyone were to
34 propose it, please let us assist in engaging that with a site visit, and let folks see what
35 we're doing.

36
37 COUNCIL PRESIDENT ANDREWS:

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1 Thank you, Councilmember Ervin, and Councilmember Knapp...

2
3 COUNCILMEMBER KNAPP:

4 I apologize. I just had a quick question. Retirements to the R.I.P. Do you have any sense
5 of how many folks you have that could be eligible?

6
7 ART WALLENSTEIN:

8 Well, we had upwards of 60 who would be eligible, but remember, none of us has a clue
9 until May 15 at 12 midnight, and even then, of course, people can opt out. Plus, you have
10 some decisions to make which have an impact on--on retirements. Was my number 60
11 correct?

12
13 UNKNOWN SPEAKERS:

14 16 ??????

15
16 ART WALLENSTEIN:

17 Well, 16 if committed, but we have 60 people who were eligible, and it's pure guesswork,
18 because I'm staying out of that. We don't want to be asking our employees whether they
19 plan to leave since some of them don't know as they await further decisions to be made.

20
21 COUNCILMEMBER KNAPP:

22 No, no, that's OK. I'm just trying to get a sense, because one of the challenges we're
23 gonna have, executive branch in particular is gonna have once we get to May-June, is
24 then how do we reallocate those--those resources and what gets backfilled, what doesn't
25 get backfilled, and trying to get the totality of the picture we might be confronting.

26
27 ART WALLENSTEIN:

28 Very good. I mean, obviously, we are planning in our own situation. We have no
29 correctional officer vacancies, so we have names in the drawer, so people departing there
30 will not be an issue for us, nor would sergeants, lieutenants, or captains leaving.
31 Obviously, we lose incredibly competent, qualified people, but in our chain of command,
32 we have highly qualified people who would compete for those vacancies. So we'll have to
33 see what happens as we move closer and see who actually departs.

34
35 COUNCILMEMBER KNAPP:

36 OK. Thank you very much.

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1 COUNCIL PRESIDENT ANDREWS:

2 Thank you, Councilmember Knapp. Councilmember Elrich.

4 COUNCILMEMBER ELRICH:

5 Just to follow onto that question. In terms of timing, would positions be pretty much
6 instantly filled? Will it take a quarter? Will it take a month? If you had--if you were dealing
7 with backfilling...

9 ART WALLENSTEIN:

10 Oh, I think we assume 2 to 3 months would be normal. What we need to hope for is that
11 no positions are frozen once they become vacant, that we can move forward to fill existing
12 vacancies, and that the positions that had heretofore been frozen as part of the savings
13 plan, which is not part of the R.I.P. ????? last--this year's savings plan, that they are
14 opened up so we can fill--fill those positions if they are not otherwise on a list. We--you
15 have to anticipate 2 to 3 months. Remember, filling a position in our operation does not
16 make the person ready to work. They still have to go through rather intensive training. So
17 we hope we could start right in background checking. I think we--wish we could start a
18 month ago, but obviously, we can't, so 2 to 3 months would be a minimum to get
19 ourselves up and rolling.

21 COUNCILMEMBER ELRICH:

22 I guess my question, then, is are there any budget implications if these positions are
23 gonna stay open for that period of time? Is there any money we can squeeze out of this in
24 terms of some additional operating funds? Obviously, don't know the answer, but it might
25 be worth, you know, seeing if there is-- are there--if there are some budget implications.

27 ART WALLENSTEIN:

28 Well, remember, if a person leaves who is earning \$100,000 and is replaced by somebody
29 who earns \$80,000, there's an \$80,000 savings. You'd have to add in 2 to 3 months of
30 overtime to backfill the individual until you've filled the position, but ultimately there is a
31 savings, of course, because a higher-priced employee is leaving to the return of a lower-
32 priced employee. Mark?

34 MARK WULFF:

35 I just want to add that there are some other complexities to it. For example, if people at
36 the top of the chain are leaving, then there are costs for promoting folks into those, and

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1 then there are training costs for the categories of ????? supervision or whatever that they
2 might not have had before. So there are some offsetting costs, too, those savings.

3
4 ART WALLENSTEIN:

5 Please be aware of one thing. There's also a unique opportunity here, and I need to be
6 very transparent with you. I became a warden a number of years early for a lot of reasons,
7 and one of which was, people leaving who had done the job forever, there is an
8 opportunity for very competent up-and-coming employees to cut 3 to 5 years off their
9 promotional life as a result of the budget problems that are impacting government in
10 general. So we do not see this as a negative. It is what it is. Sure, we lose qualified staff,
11 but we also gain very competent junior and middle manager folks moving up in the chain.

12
13 COUNCILMEMBER ELRICH:

14 I'm confident of what you've structured over there. I'm just simply looking, I think, as
15 everybody else is, for every dime that can be scrubbed out of operations, because there
16 are cuts yet to be made and things sitting on a reconciliation list yet to be funded. So that
17 was the source of my question.

18
19 COUNCIL PRESIDENT ANDREWS:

20 Thank you--thank you, Councilmember Elrich. I don't see any other questions, so thank
21 you. We will accept the budget at this point, give preliminary approval, and thank you for
22 your good work.

23
24 UNKNOWN SPEAKER:

25 Thank you.

26
27 COUNCIL PRESIDENT ANDREWS:

28 Our final items for the morning are CIP amendments that are under the PHED Committee,
29 and they are the cost sharing item for Adventist Healthcare Project, and the Longbranch
30 Town Center Redevelopment. 72A is the cost sharing PDF for Adventist Healthcare
31 Project of \$1.4 million. We--having this come before the full Council, but I want to give the
32 chairman of the PHEDCommittee an opportunity, if he has any comments about this, to
33 set the--the stage for it.

34
35 COUNCILMEMBER KNAPP:

36 Well, nominally, this has been an issue that has concerned many Councilmembers. This
37 is--this is funded through the Economic Development Fund, which is how it came before

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1 the Fed Committee, but clearly, any conversations the Council has had before have either
2 been before the full Council at least jointly with the HHS Committee. I think, actually, all of
3 our other conversations have been before full Council. And so as we got to--as we started
4 the kind of conversation, we realized we had more questions and that we didn't have
5 anywhere near enough people in the room to have a dialogue, at which point we held off
6 and said, "Let's try and get back with you and figure out the best way to proceed." So what
7 we have before us is the Adventist Healthcare Project, which is \$1.4 million, which--there
8 are a number of things that have modified, which calls into question whether or not this
9 \$1.4 million is needed. Unfortunately, as I understand, there was excitement that this
10 money, these resources could be used, but it's my understanding now that these
11 resources have already been assumed by the county executive, and since the way we do
12 our budget is based on their budget, the money's basically--already--already gone from
13 our accounting purposes, which is a little bit unfortunate. But I think it's important for us to
14 get an update from Economic Development and...I understand we had-- we have an HHS.
15 I guess we'd requested Adventist, who participate as well, but I understand there's been
16 dialogue back and forth between folks suggesting that they come and not come, and
17 apparently, they got mixed messages, and I know that the committee had requested that
18 they be here, but at this point, they are not here, so I don't know if that's any over-- any
19 slight on Adventist's part other than the fact that they had gotten mixed messages from
20 other parts of--other elements of the Council. So, with that, Mr. Bang, looks like you're in
21 the hot seat.

22
23 COUNCIL PRESIDENT ANDREWS:

24 All right, so we got Peter Bang here, and we also have--I want to, actually, first ask Justina
25 Ferber, our legislative analyst, if she has any opening comments about her packet.

26
27 JUSTINA FERBER:

28 No, that I just laid out several options that Council can take, but the money has already
29 been shifted to FY11.

30
31 COUNCIL PRESIDENT ANDREWS:

32 OK. All right. Mr. Bang.

33
34 PETER BANG:

35 Morning, Council President. This is Peter Bang representing the Economic Development
36 office. For clarification, I did invite both Mr. Robertson and Robert Jebson from
37 Washington Adventist Hospital and that they have e-mailed back yesterday stating that



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1 they were indicated that they should not appear in this meeting, so... other than that, I
2 cannot really explain as to why they're not here.

3
4 COUNCIL PRESIDENT ANDREWS:

5 OK. Well, they're welcome to be here. Go ahead.

6
7 PETER BANG:

8 The project, as everybody is fully aware, has been a--

9
10 COUNCIL PRESIDENT ANDREWS:

11 Well, yes. Why don't you describe the project?

12
13 PETER BANG:

14 The project 4 years ago under Mr. Duncan's administration was introduced to us primarily
15 coming from the project, but a component that can satisfy the health and human service
16 needs of Longbranch, which did require support from both the county executive and
17 County Council, and because of win-win situation which was portrayed at the proposal
18 stage 4 years ago, it did receive confident support from both the Council as well as the
19 county executive then. In the past 3 years, unfortunately, the project has been delayed
20 because of litigious conditions because the community groups opposing the development
21 plan as well as parking plan. In the process while the litigation was ongoing, the County
22 Council did approve the secondary \$700,000 funding based on, again, the clarity on the
23 outcome of the legal resolution at the same time. The ability of the county D.E.D. to
24 engage the Washington Adventist Hospital to force a ????? requirement onto the
25 PDF????? which was agreement, and because of delays in the legal proceeding, the
26 agreement was never stricken between the county and the Washington Adventist
27 Hospital. In the process, ????? was questioned the ability of the developer to deliver of
28 bank financing, because project was perceived to be about \$90 million in total, where
29 developer only demonstrated he can bring up maybe a million or million and a half. When
30 the project first embarked 4 years ago, the market was hot and there was a lot of spec
31 building built on only 5% equity. But in the second years of development, we perceived
32 the market was changing, so we thought that commercial project would incur anywhere
33 from 20% to 30% leverage. And the developer never convinced us that the leverage was
34 there. So we questioned Washington Adventist Hospital, and that's the reason as to why
35 we have never engaged in a contract or binding contract placement. After about 6 months
36 of dormant period, we inquired Washington Adventist Hospital as to where the proceeding
37 was, and we forced a meeting about 2 1/2 months ago, at which point they came in and

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1 they indicated the project has changed because they were not confident about the
2 timeline of the project transaction, they have identified other opportunity where--within the
3 vicinity of their campus, there's Columbia Union College Campus, and they had one
4 antiquated indoor swimming facility, which they felt they could easily convert to meet the
5 clinic need. In the meeting, we clarified if that is the case, that is no longer in our domain,
6 because it does not have any, any economic development impact. But at the same time,
7 from the project's scope, what you're proposing is from the initial \$2.1 million project, you
8 are indicating that you can deliver a clinic with only \$1.4 million. If that is the case, we will
9 certainly modify the PDF language and submit to the OMB. And that's how the project
10 flowed from the ????? office to the PHED Committee meeting, which at point Mr.
11 Leventhal clearly pointed out the project should no longer be treated by PHED Committee,
12 because now we are dealing with building a clinic as opposed to influencing an economic
13 development project in the long-depressed--sorry to use this term--depressed Longbranch
14 area. So that's how we are in the stage of discussion--who should be really analyzing the
15 project and whether project should be addressed as an HHS project as building a clinic
16 directly by the county agency versus maybe assisting some private entity, including non-
17 profit entity, semi-funding the clinic hospital. So that's the current status for the project.

18
19 COUNCIL PRESIDENT ANDREWS:

20 OK. Thank you. Councilmember Leventhal is next. Chair of the Health and Human
21 Services Committee.

22
23 COUNCILMEMBER LEVENTHAL:

24 I'm sorry that Mr. Silverman's not here. I've talked with Mr. Silverman. He asked me not to
25 beat his department up, and I won't. This was not well handled. I don't think we need to
26 dwell on it at length. I don't think we need to describe any segment of this county as
27 depressed. I don't think that's helpful to have departmental staff using that word. It's not
28 correct that this project was initiated by Mr. Duncan. It was initiated by the County Council,
29 including Councilmember Steve Silverman and Councilmember Tom Perez and
30 Councilmember George Leventhal. I'm the one who's left here, and I should've been
31 consulted about this. We're easy to reach. We're just right across the street. Call us. Do
32 not make decisions like this of extraordinary interest to Councilmembers and surprise us.
33 Let us know what's going on in advance of being surprised in the budget. I don't have
34 much more to say about this. This is going to go away now. I think it sends a very bad
35 signal to litigious civic associations that they can sue, and even if they lose, which they
36 have done in this case, their litigation has been unsuccessful. The time has expired for
37 appeal. They still win. I think that's very, very unfortunate. This is a mistake on so many

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1 levels and this was handled so badly. I'm glad Steve Silverman is on board, but I'm sorry
2 he's not here today.

3
4 COUNCIL PRESIDENT ANDREWS:

5 Thank you, Councilmember Leventhal. Councilmember Elrich.

6
7 COUNCILMEMBER ELRICH:

8 I think it's time for this project to go away. It's, you know, clearly not an economic
9 development fund. I don't know how HHS-- probably should handle an appropriate clinic
10 request in a way--in due--in due course with other clinic requests. I think we've been
11 approached and made aware of a number of different clinic needs throughout the county.
12 This can't be the only one. How you make--how you decide where the resources go
13 seems to be--should be a discussion, a broader discussion starting in HHS with where the
14 clinic needs are. I don't think it's fair, though, to entirely tar this on civic associations. This
15 was a bad economic development project that began with the rents that were needed to
16 support that building were never rents that were available in the Longbranch area, and
17 people have known that for a long time. They're rents you can't even get in Silver Spring
18 sitting next to a Metro. So why it was anticipated that you'd be able to support those kinds
19 of rents in Longbranch has long escaped me. I think this died a natural death and the
20 citizens may have been there poking to death, but it certainly had its own natural forces
21 that led to its demise. I, frankly, would hope this money does stay in the EDF because I
22 think the intent that Mr. Leventhal and Mr. Silverman and the others had originally was to
23 contribute to the revitalization of Longbranch, and there is still the ongoing discussion
24 about the reconstruction of the superblock--reconfiguration of the superblock and the
25 effort to bring about a more viable retail structure there, and I think that's a good thing, and
26 I'd hate to see this money disappear altogether. I understand that the Economic
27 Development Department is still working with some of the owners to talk about the
28 redevelopment of that block. At least that was my understanding of it. I hope that that
29 effort remains. I think that's important.

30
31 COUNCIL PRESIDENT ANDREWS:

32 And I'll note that the--the Longbranch capital improvements amendment was scheduled
33 for review at the same time as the one we're currently talking about, to provide an
34 opportunity for the Council to review and discuss these items together. Councilmember
35 Ervin.

36
37 COUNCILMEMBER ERVIN:

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1 I wasn't here in the last Council, but I'm here now, and I represent that district. And so, you
2 know, much to my surprise, I had to hear about it after the fact, and I think I will just
3 associate my--my comments to everything that Councilmember Leventhal has stated. And
4 also, I want to piggyback on what Councilmember Elrich has stated about keeping that
5 money in Longbranch. And so my comment now is going to move to what the future plans
6 are. I understand that Washington Adventist Hospital has a big plan to redevelop its
7 current site, and I'm just curious about how this all took place when I know Washington
8 Adventist Hospital plans also included expansion-- in some way, some expansion of their-
9 -their community healthcare offerings. So, where does this fit into their expansion
10 program?

11
12 **PETER BANG:**

13 Miss Ervin, unfortunately, I cannot really represent them at this point, but I can certainly
14 probe the response from them and generate the response for you, what their plan
15 includes.

16
17 **COUNCILMEMBER ERVIN:**

18 Well, clearly, Mr. Bang, you took it upon yourself to make decisions on behalf of the
19 executive without consulting Councilmembers. You must have some idea about where
20 they're moving forward, since you all have made the decision to go ahead and expend
21 this--this money. I'm just really curious. All of this just...it's incredulous to me how this all
22 happened without any--anybody's knowledge, and I can--I don't blame Washington
23 Adventist Hospital for not being here. I received a telephone call from--from them about a
24 week ago apologizing, basically, to me for how this whole thing unfolded without the
25 knowledge of Councilmembers, and so I think it was their--their feeling that we--that you
26 had been--had been corresponding with us about this deal. So I don't know. I know that
27 Justina put together a great packet here, and she has some options, and I think that there
28 are some great options in the packet about where we go in the future. Staff option number
29 3 is best, I think, because it would shift the \$1.4 million to Longbranch Town Center
30 redevelopment and EDF. So I'm just not sure, Justina, how you want to walk us through
31 this packet, but I think you've done such good work in giving us some options here in
32 terms of where we might want to proceed, how we might want to proceed.

33
34 **COUNCIL PRESIDENT ANDREWS:**

35 We have--and I will ask Justina to make a couple comments in just a second, but I wanted
36 first to turn to Councilmember Elrich and see...

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1 COUNCILMEMBER ELRICH:

2 I just wanted to clarify something you asked, Valerie. I talked with Bruce Williams, the
3 mayor of Takoma Park. We're not the only ones who are surprised by this. There were no
4 conversations with the City of Takoma Park. Adventist's original plans, the healthcare
5 plans had focused on redevelopment of the hospital site, and the last conversation the city
6 had with the college was they were gonna take a pool in the gym and rebuild the pool and
7 the gym over there. So, in both aspects, this has surprised multiple people.

8
9 COUNCIL PRESIDENT ANDREWS:

10 Councilmember Leventhal.

11
12 COUNCILMEMBER LEVENTHAL:

13 While we're compiling lists of people who should've been consulted, the director of the
14 Health and Human Services Department is here, who oversees a program called
15 Montgomery Cares, which constructs clinics in Montgomery County and is the only county
16 program that constructs clinics in Montgomery County, and she also was not informed that
17 the Economic Development Department had decided to construct a clinic, which is not the
18 way we construct clinics in this county. So, we can add to the long list of people who were
19 caught by surprise by this decision from with the Economic Development Department.

20
21 COUNCIL PRESIDENT ANDREWS:

22 All right. We are--thank you, Councilmember Leventhal. We are joined by our Director of
23 Economic Development, our former colleague Steve Silverman, and I think that one option
24 for the Council today is to--if it feels that it--it needs more information or has questions that
25 need to be answered, we do not have to make a decision on this today. We can bring it
26 back on Monday for--for action. So there's not--there's not a necessity to make a decision
27 at the--at the moment. Council...

28
29 COUNCILMEMBER LEVENTHAL:

30 Mr. President?

31
32 COUNCIL PRESIDENT ANDREWS:

33 Councilmember Leventhal.

34
35 COUNCILMEMBER LEVENTHAL:

36 Yeah, if I could just--along the same lines, I--I'm sorry to do this in public, but we're here
37 discussing this now. Another entity that was caught by surprise is the property owner-- Mr.

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1 Fernabach.????? And so my question is now whether any effort has been made to
2 ascertain, since I know this decision was made without consulting the property owner,
3 whether any effort has been made subsequent to make contact with him, and so my--and
4 this is an opening for you, Director Silverman. What is the plan now, what is the executive
5 branch's plan now for Longbranch?
6

7 STEVE SILVERMAN:

8 Thank you, Mr. President and Councilmember Leventhal. I apologize. I was between
9 meetings and didn't get a chance to get over here in a timely manner. Let me talk about
10 this, and I'm not sure you need to defer this, but that's up to the Council to decide. First of
11 all, this is no longer an economic development project if it is being used for a clinic off-site
12 out of Longbranch. For those of us that recall the generation of this, the \$2.1 million was
13 originally intended to jumpstart revitalization in Longbranch. It was taking advantage of an
14 opportunity presented by Adventist Healthcare, that they wanted to do a clinic and, more
15 importantly, that there would be doctors' offices in the building. As you know, the history of
16 the litigation, change in circumstances for the Adventists, here's what I understand the
17 situation is at this point. The Adventists have indicated to me their intent to move forward
18 with some type of a clinic at the Columbia Union facility or on-site, depending on the
19 timing of things. Number 2, I was in touch with the attorney for the property owners as
20 recently as this morning to indicate that we should have a meeting, and happy to have any
21 Councilmembers who would like to participate in that as long as it doesn't violate the open
22 meetings rules to discuss their particular property and how that might fit into Longbranch
23 revitalization. Third, the intent of the executive and the Department of Economic
24 Development specifically is to look at Longbranch revitalization as we've always talked
25 about it in this county, as a piece of a strategy to make sure that we are supporting our
26 communities and providing economic development opportunities to all of our communities.
27 So the commitment of this department and the county executive notwithstanding this
28 project is to, in effect, go back to square one and look at Longbranch revitalization to
29 understand what the county can be doing, what opportunities present themselves,
30 recognizing that we have a constrained marketplace. But that was-- that's a commitment
31 that I'm prepared to make, it's a commitment the county executive is making, and it will
32 start with a discussion with the property owners about what the status of that building is
33 and what the status of their plans are. It is clear that there's not gonna be a clinic there,
34 there's not gonna be a doctors' office there through Adventist, and the issue of deferring
35 things, I think there seems to be a general understanding in addition to your comment
36 about it being sort of outside the four corners of the way clinics tend to be funded under
37 Montgomery Cares, that it doesn't serve the dual purpose that it was originally intended a

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1 few years ago. And if the Council chooses not to allocate the monies, I think it's in FY11,
2 that's an acceptable situation, and we will go back to looking at Longbranch revitalization
3 as we should along with other places in the county that I know individual Councilmembers
4 have expressed an interest in, and the county executive has an interest in. So, I hope
5 that's somewhat helpful. The process left something to be desired in terms of at least my
6 understanding of who was supposed to communicate with whom. I can assure you that, at
7 least as far as the Department of Economic Development is concerned, that we will make
8 sure that we will make every effort in the future to communicate with Councilmembers
9 who have an interest in these projects if there's a change in the nature or the project or
10 their scope. You have my commitment. You have the commitment of the county
11 executive.

12
13 COUNCIL PRESIDENT ANDREWS:

14 OK. Thank you. Councilmember Elrich.

15
16 COUNCILMEMBER ELRICH:

17 So, Steve, would you be comfortable with-- I don't know if you've seen the memo that
18 came from our staff, but it's Option 3, which would shift the funds to the PDF for
19 Longbranch Town Center redevelopment and make it available, then, for the-- the broader
20 purpose of trying to--trying to do the superblock redevelopment rather than just focus on
21 the single building.

22
23 STEVE SILVERMAN:

24 Well, having discussed this with no one, I'm just gonna wing it myself and tell you that, you
25 know, that's fine, except as I know you found out from day one, the--I was told by a former
26 Councilmember colleague of mine that the key is what happens in the first 2 years. If you
27 want to put this in, you know, to, you know, to ????? years where there's no project, you
28 can do that, having sat on your side of the--of the dais, I know that you'll end up figuring
29 out whether you can do that and whether that's a trade-off against something else that you
30 want to do in that year. I'm just being as candid as I can be. So, sure, that's a viable
31 option. We'd love to have the money parked somewhere, but I'm not gonna sit here and
32 tell you that we have a project, you know, ready to go. We had a project, circumstances
33 have changed, and we would expect to start a dialogue about Longbranch revitalization
34 with those that are interested--I mean, you all, obviously, but I'm talking about private
35 sector parties--and quite frankly, see if there is something that could be put on the table,
36 presumably as part of the CIP process for next year.

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1 COUNCIL PRESIDENT ANDREWS:

2 Councilmember Floreen.

4 COUNCILMEMBER FLOREEN:

5 Thank you. Well, if you turn your attention to the next item on the agenda, 72B--
6 unbelievable numbers--even there, the county executive recommended and at least the
7 committee approved going along with delaying resources expended in--for Longbranch.
8 For this very reason, there's no project, and that's the challenge. It--it's-- we could take
9 that approach, but it would just be parking money for something for which there is no plan.
10 And as I understand it, Justina, the money is--it's EDF money? What is this money we're
11 talking about?

13 STEVE SILVERMAN:

14 It's non-- it's not appropriated.

16 COUNCILMEMBER FLOREEN:

17 Yeah.

19 STEVE SILVERMAN:

20 It's--it's just--it's money that would come out of the EDF fund whenever an appropriation is
21 made. That's where it would come out of. But it's--it's--it's just a line for FY11.

23 COUNCILMEMBER FLOREEN:

24 It doesn't save any money. It doesn't allow us to shift resources for something else...

26 STEVE SILVERMAN:

27 Not in FY10, it doesn't.

29 COUNCILMEMBER FLOREEN:

30 And apparently you--the county executive's already shifted it off anyways ad I understand
31 it. We're talking about Fiscal Year '11 anyways, in that vast, uncertain area in the--in
32 Steve's account, I guess at this point.

34 STEVE SILVERMAN:

35 Well, not my personal account. It's all our--

37 COUNCILMEMBER FLOREEN:

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1 County executive's account.

2
3 STEVE SILVERMAN:

4 We're all in this together, Nancy.

5
6 COUNCILMEMBER ELRICH:

7 Think there's a wealth of rumors swirling around because I had heard that there was a
8 movement, some movement among other property owners or interests in actually doing
9 something down there. And, I mean--so I assume that there were some other discussions
10 going on about some coordinated effort on the block.

11
12 COUNCILMEMBER FLOREEN:

13 I believe that in the PHED Committee, we talked about coming back to this and getting a
14 better handle with our new head of economic development about how we're actually
15 gonna get this done, and that would be the time to have--have the talk about what-- what--
16 what steps are necessary and what timeline would be adhered to. I just make the
17 comment--I think it'd--it'd be clearer to remove it from the budget and put it back in when
18 there's actually something that we can talk about and support, but I don't want to send a
19 message that we don't want to spend it in Longbranch. The only question is if there's no
20 point is that there's nothing to spend it on at this point in time. And I'll note that we are
21 spending quite a bit of money in Longbranch in the other categories--infrastructure and so
22 forth--although I have to say maybe you can help, Mr. Head of Economic Development.
23 They still haven't built that bridge in Longbranch over the creek.

24
25 STEVE SILVERMAN:

26 Be happy to look into it. I just--one other comment, Mr. President, if I may. I did indicate
27 that I was gonna, you know, meet with the property owner for this project that you're
28 discussing, but I also would intend to meet with the other--I think there's 2-- at least 2
29 other property owners in the Longbranch area. This is not a situation where you've got 25
30 property owners. This is a narrower group, and I would intend to meet with those folks and
31 I'm happy to discuss with whoever on the Council is-- is interested, again, subject to your
32 meeting requirements, sitting down and getting a direct first-hand understanding of what
33 the market forces are that folks are dealing with and what kind of opportunities may
34 present themselves. So we're happy to do that with all of those owners that are down
35 there.

36
37 COUNCIL PRESIDENT ANDREWS:

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1 Well, as I read it, it's clear that there--it is no longer an economic development project, so
2 that seems clear. We do have a PHED Committee recommendation on the Longbranch
3 Town Center redevelopment CIP amendment to approve what the executive
4 recommended of \$300,000 in current revenue budgeted for planning, design for the
5 Longbranch Town Center redevelopment, that it be shifted from '09 to '13 to reflect the
6 current facility planning schedule. So we have a recommendation on that from committee.
7 We have the other just before full Council. Do Councilmembers require any more
8 information? I don't think so. OK. All right. Well...would you like to make a motion?
9

10 COUNCILMEMBER FLOREEN:

11 I'll make a motion to remove--to--to follow the staff recommendation, which simply deletes
12 it because it's not an economic development project for the revitalization of Longbranch,
13 and I ask you to come back to us this summer with your thoughts about the plan to
14 actually get a project in motion.
15

16 COUNCIL PRESIDENT ANDREWS:

17 OK. Is there a second? All right.
18

19 COUNCILMEMBER ERVIN:

20 Second.
21

22 COUNCIL PRESIDENT ANDREWS:

23 All right. Second. OK. Moved by Councilmember Floreen, seconded by Councilmember
24 Ervin. Any discussion on that? All right. All in favor of that motion, please raise your hand.
25 That is unanimous. And then on the CIP amendment on Longbranch Town Center
26 redevelopment, we have a PHED Committee recommendation to show \$300,000 in FY13
27 rather than FY09 to reflect the current facility planning schedule. Is there any comment on
28 that? Don't see it. All those in favor of that, please raise your hand. That is unanimous as
29 well. OK.
30

31 COUNCILMEMBER KNAPP:

32 Mr. President?
33

34 COUNCIL PRESIDENT ANDREWS:

35 Yes. Councilmember Knapp.
36

37 COUNCILMEMBER KNAPP:

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1 ...now that we've concluded that and have some understanding of what we've done to the
2 1.4. It's a bit of a segue, but it's...we had \$1.4 million have been identified with bond
3 funding in our economic development fund. We had a conversation at this dais, I believe 2
4 or 3 weeks ago as it related to deferral of impact taxes, which has been proposed to us for
5 the benefit of economic development, which we have since found, since it came over to
6 us, that it's gonna cost us between \$1.5 million and \$2 million to actually do that. It's just
7 interesting to me that while the \$1.4 million was pulled out of that Economic Development
8 Fund, that there has been nothing brought back to us to show how we can kind of make
9 that \$2 million hole be filled to get the impact tax deferral bill back in front of us, and this
10 would have seemed to have been a likely candidate to have made that happen. And so
11 while what's before us in Longbranch, I think people can dispute whether that's economic
12 development. The impact tax deferral was clearly economic development. That was its
13 intent, and we're kind of in hiatus until we can figure out a way to pay for it, and this would
14 have seemed a likely way to do it, but we've kind of just moved it off into the--into the
15 nether regions, and we're still kind of stuck not being able to do economic development
16 either in Longbranch or as it relates to the impact tax deferral piece that's in front of us as
17 well.

18
19 COUNCIL PRESIDENT ANDREWS:

20 All right. Thank you. Any other comments ????? order? All right. We're going to end the
21 morning session, then. Thank you all, and we have a brown bag lunch scheduled for
22 12:30, and then worksession at 1:30 on the Department of Transportation Budget. And
23 then public hearing this evening at 7:30.

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1 COUNCIL PRESIDENT ANDREWS:

2 Good afternoon, everybody. Welcome to the County Council's afternoon session on the
3 Operating Budget. We have one item, really, for this afternoon, and that is the Department
4 of Transportation's budget, and we do have 2 NDAs on the road maintenance and the
5 Rockville Parking District. If we complete these items, then the hold that is currently on for
6 the meeting tomorrow will be taken off, and there will be no County Council meeting
7 tomorrow. If we have just a little bit left, we will come back to it on Monday. So, unless we
8 have a lot left, we will not be here tomorrow for an official County Council meeting, but
9 there will be a lot of other work going on. With that, I'm going to turn the mike over to
10 Nancy Floreen, our Chair of the Transportation, Infrastructure, Energy and Environment
11 Committee, and have her take us through the Department of Transportation budget.

12
13 COUNCILMEMBER FLOREEN:

14 Thank you very much, Mr. President. But before we start, I'd like to call in Mr. Holmes for
15 any opening comments he'd like to make. Mr. Holmes is just a happy camper.

16
17 ARTHUR HOLMES, JR.:

18 Not necessarily a happy camper, just that I think I've said what I had to say in Committee.

19
20 COUNCILMEMBER FLOREEN:

21 OK. Well, that's a wonderful attitude, and we appreciate that. I don't know if you all got the
22 little summary that I asked Glenn to put together, but-- the rest of you. But I'll just tell you
23 what's in it, which is just a little summary of the approved budget and where we're ending
24 up. The County Executive's budget for transportation's operating responsibilities is
25 196,258,250. That's '09. He proposes a 4.7% reduction in that in--for Fiscal '10. Our
26 recommendation as a committee is to adjust that a tad to make it a 3.7 reduction in
27 spending, which is a \$7 million cut from last year's approved budget. As usual,
28 transportation takes a hit in hard times, and this year it's, of course, disappointing and
29 worse than usual. I'll note you may have observed-- we took a big hit in state funding.
30 Highway user money to Montgomery County from last year was reduced by over 34
31 million, a 51% decrease. And so, my hat is off to the department for scrambling to find
32 ways to keep things running, to find resources, by and large, to maintain their excellent
33 initiatives with very constrained resources from the State of Maryland. So, as, when you
34 go out and talk to the community, I would urge you all to keep in mind this number. It's a
35 \$34.4 million cut for in-state revenue from last year's contribution. Just to highlight--and
36 we will talk about this as we go through the packet--our biggest concern was the proposed
37 elimination of Ride On routes within the county, and we think we have found a solution

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1 that will help restore--not cut further routes within the transportation budget. So, we'll
2 share that with you as we work through there. Basically involves some interesting
3 bookkeeping and assumes some parking fee rate increases, and we invite your support
4 for that. The specifics of the budget are on page 2. And just a summary--the additions and
5 reductions--and that spells out the dollar amounts associated with the various initiatives
6 within the County Executive's recommendations and the committee's recommendations.
7 We'll go through this, and I'll ask Mr. Orlin to fill in as we work through the budget. On
8 page 3, you see the overview of the General Fund. As I said, the County Executive
9 recommends a 4.4% decrease from the '09 budget in the General Fund, and workers
10 would drop by 18.2 work years, and with a variety of service impacts--reduction of
11 contracts for roadway and related maintenance, abolishing one of the 2 highway service
12 patrols, eliminating funds for maintenance of hiker-biker trails, reduce some of the funds
13 for replacing faulty loop detectors, reducing flight time--time for the traffic plain, reducing
14 funding for traffic studies, suspend our effort to retime light signals to optimize vehicular
15 flow, reducing some of our funding for cutting back on foliage removal, and then some
16 additional dollars for retiming of signals, a pedestrian safety outreach program, and
17 working on the pace of the Safe Routes to School Program. Basically, starting out with
18 pedestrian safety, this is the one issue we hear probably the most from our constituents
19 about these days on pedestrian safety, and there--a number of elements in this program.
20 As Glenn points out in the memo, increases are--a 52% increase for program to reset
21 traffic signal timing and a new public outreach program. We looked at this carefully, and
22 the committee recommendation--we had a couple of split votes within the committee. The
23 first one was here where the committee recommendation was to support some increase in
24 the funding in this program, but with a \$79,000 reduction in operating expense from the
25 County Executive's proposal. So, that would take it to 237,250. That was a first committee
26 recommendation, where we had a difference of opinion. And I will ask my colleagues on
27 the committee to chime in if they want to make any additional comments on these. And if I
28 don't hear--see anybody's light, I'll just move right along. Outreach program is the next
29 one. We pointed out to the County Executive's staff that we knew that there--we've been
30 working on a campaign for pedestrian safety for years that the Council of Governments, to
31 which we contribute, is engaged as well. And we were reluctant to support the full amount
32 of the request for dollars for the pedestrian outreach training program. The committee
33 recommendation was to support half of that expense. Safe Routes to School is the next
34 one. The committee recommendation on this was to concur with the County Executive to
35 add an additional \$250,000 to implement improvements for 17 more schools in Fiscal
36 Year '10. We think that this is a key benefit to the county, particularly with respect to our
37 children, and think this is a very worthwhile priority that we support. Next--hiker-biker trail

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1 maintenance. You may have heard from the biking community on this one. The County
2 Executive had recommended cutting all funding for the maintenance of hiker-biker trails
3 that DOT has responsibility for, and we were unhappy with that and have added--
4 proposed \$100,000 on the reconciliation list, to restore at least the Fiscal '08 level of
5 funding for bikeway maintenance. Regrettable that we can't do as much as folks would
6 like us to do, but we think at least we'll be able to do something. Next item is the service
7 patrol. For those of you who have been students of congestion for years, you will know
8 that one of the biggest requests--one of the most vehement requests from the
9 Transportation Committee at Large, and just a fact, is that one of our biggest problems
10 with regional congestion is when someone's car breaks down, they box up the whole
11 works--a simple, technical description of the problem. And I think, as Glenn points out in
12 his memo, I think we really support the view that this program provides the most direct
13 service to commuters in terms of safety and traffic flow. Over the first 8 months of Fiscal
14 '09, we had 2 roving crews that pulled disabled vehicles from travel lanes. And that's a
15 bigger number since last year, and no doubt, with the economy in the situation that it's in,
16 people are not buying new cars, and they're probably not investing in maintenance, so we
17 may see more breakdowns. The County Executive proposed abolishing one of the patrols,
18 meaning that either the morning or afternoon rush hour would be on its own in this regard.
19 We propose adding 99,380 back to the reconciliation list to keep this going. Next item--
20 loop detector replacement, a hidden but important element of our traffic congestion
21 management system. You know, when you're driving along--you need to pay attention to
22 this. If you're not on our committee you may not notice this, but in many places it is your
23 personal vehicle's presence in a turning lane that will trigger a hidden loop under the
24 ground, and will get that turn signal to go your way. Very sensible device. If you're not
25 there, you don't need to slow down the opposing traffic to achieve an unnecessary
26 objective. So we love this program. If they don't work well, we have inefficient traffic flow,
27 and as you know, we don't want that. The County Executive had reduced this investment.
28 We propose to add it back on the reconciliation list. That would at least maintain the
29 current level of funding for loop detectors. That's 104,170. Our next item--Takoma Park.
30 Takoma Park always attended to their bridges, has asked that we share with them the
31 cost of repairing its Maple Avenue and Flower Avenue bridges. I commend their initiative.
32 They were hoping that we had some stimulus cash to provide them, and I believe we had
33 a memo from Councilmember Ervin and Mr. Elrich on this subject. What we said--"Great
34 idea," but let's treat this as a--basically a loan, where we would add this money, \$168,000,
35 to the reconciliation list for these bridges with the provisions that have been proposed by
36 Councilmembers Ervin and Elrich, and with an added provision that before any of the
37 funds are dispersed, that there would be an agreement between the City and County

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1 specifying terms of reimbursement of these funds over time. That would be consistent with
2 how the county has handled these matters with Takoma Park in the past. Ms. Ervin has a
3 question.

4
5 COUNCILMEMBER ERVIN:

6 Just because I didn't have the benefit of the Committee's conversation on this point, can
7 you explain to me why the stimulus funds are not being made available for these kinds of
8 projects in the municipalities?

9
10 COUNCILMEMBER FLOREEN:
11 Mr. Holmes?

12
13 ARTHUR HOLMES, JR.:

14 The stimulus package came down-- and I believe it was \$8.45 million, and the portion that
15 would go to the municipalities would be about \$1.2 million. There are 22 municipalities,
16 and if you take the 3-year average and then break it out among the municipalities, you've
17 got very, very little money. So we were going to use the stimulus money on federally
18 eligible projects.

19
20 COUNCILMEMBER ERVIN:

21 OK. So this is going to be--it says in the packet "a grant," but it's a loan? I see that--

22
23 COUNCILMEMBER FLOREEN:

24 Well, basically, a loan. Yeah, that's how we proposed to do it. Uh, next element--just to
25 bring your attention to the Vacuum Leaf Collection Fund, it pays for cleaning up folks'
26 leaves during the fall and winter each year. And we concur with the County Executive's
27 numbers, which would--makes a marginal increase to the charges for this. It'd be 92 cents
28 more for single-family dwellings and 2 cents more for townhouse and multifamily units.
29 OK. Now, this is the interesting part--the operating budget for Parking Lot District funds,
30 Mass Transit Funds, and we get into some of the taxicab issues and the like. I'll note that
31 we do have a public hearing on some of these elements. I think it's important to keep in
32 mind that what we're recommending, of course, could be--well, is somewhat tentative
33 insofar as the public hearing hasn't been held. Mr. Orlin?

34
35 GLENN ORLIN:

36 The public hearing tonight on taxicab fees. We've already had a public hearing on the
37 other transportation charges and fares. That was on April 21.

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1
2 COUNCILMEMBER FLOREEN:

3 Yeah. And we've worked closely with the industry, so I think we're pretty close. But in any
4 event, I don't know if you all--I hope you've had a chance to take a peek at Glenn's memo
5 on financial help of the Parking Lot Districts. They're all very different. Bethesda Parking
6 Lot District is in great shape with a projected ending reserve of 15.9 million despite the
7 fact that they make available major cross-subsidies to the Bethesda Urban Partnership for
8 urban district services in the amount of almost 3 million, and also for transportation
9 demand services in the amount of nearly a million and to the Mass Transit Fund for 75%
10 of their revenue collected from fines, which is about 3.6 million. Montgomery Hills is--
11 surprisingly enough is a Parking Lot District, but it's in good shape with a modest reserve
12 near 70% of resources despite the fact that it also makes cross-subsidies to the Mass
13 Transit Fund and the Silver Spring Regional Service Center for some of its streetscape
14 design elements. Silver Spring is coming along. It's improved over the past year. Right
15 now they will be able to resume transferring a share of fine revenue to the Mass Transit
16 Fund in the amount of nearly 2 million, and it will start paying nearly 700,000 annually to
17 the Mass Transit Fund to pay for the cost of the VanGo Shuttle. I'll note that Bethesda
18 Parking Lot District has paid for the Bethesda Circulator for a number of years. The
19 Wheaton Parking Lot District is where it is. It--we did approve a parking rate increase last
20 year. It did not bring in all the revenue that had been projected. But it's coming along, and
21 it is--we will continue to watch that. A fun fact I want you all to be aware is that there is
22 going to be a \$50,000 service impact in Bethesda for a 3-month pilot program which will
23 allow parkers to pay their fees by cell phone. So we are at the--we've been informed that
24 we are not the first ones to try this. Right, Mr. Holmes, and when will this begin? Did you
25 tell us?

26
27 UNKNOWN SPEAKER:

28 The pilot starts beginning of the Fiscal Year if it's approved.
29

30 COUNCILMEMBER FLOREEN:

31 It'll start this summer? So I think this ought to tighten up how folks will pay for fees if they
32 choose to be part of this program. Maybe you want to take a second to explain it, because
33 we'll be getting a lot of--it's a neat thing to have.
34

35 STEVE NASH:

36 I'm Steve Nash with the Montgomery County Department of Transportation, Division Chief
37 of the Parking Management Division. The pay-by-cell phone--simply, it's an opportunity for

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1 us to leverage technology. We don't have to make a capital investment in any particular
2 infrastructure. We can use our existing meters that we already have. They just require
3 some signage, some little decals so each meter can be uniquely identified. And this is an
4 opportunity, and it's emerging technology that's in about 100 cities in Canada, America,
5 and Europe. But it's a convenience. It allows a person to get online first, whoever the
6 provider is, set up an account--use your credit card to load your account, if you will--so
7 you've got money in that bank. Then you go out and park at a meter. Look at the decal so
8 you have a unique number. You use your cell phone, call in, tell them what meter you're at
9 and how long you'd like to park. And the way the database is set up, if you're at a 2-hour
10 meter, it won't let you park more than 2 hours. But let's say you're at a long-term meter.
11 You can phone in and say, "OK, I'm going to park for 4 hours," and the database will
12 record that the meter's paid for--that unique meter's paid for 4 hours, and you can go
13 about your business. Now, the meter itself will still flash red. But what happens is our
14 enforcement officers have handheld units--it's all technology--and their handheld units
15 communicate with the database real-time. And when they do query that unique meter, it'll
16 tell them, "Oh, yeah, meter's paid for 4 hours." And 2 scenarios. If you finish your
17 business, you come back early, you can call in--let's say after 3 hours--and say, "OK, I'm
18 back. You know, stop the meter," and it will. And you will only be charged for the time you
19 use on the meter. Which is a customer service--I'll say complaint or gripe we've heard,
20 that people don't know what to estimate. So, you know, that's convenience. And just the
21 opposite, also, is true. If you plan for 4 hours, you're hung up in the doctor's office, about
22 15 minutes before the meter expires, your cell phone will get a text message or it'll ring.
23 And it'll be the service telling you, "Your meter's about to expire. Would you like to add
24 more time?" And you can say yes, and while you're sitting in the doctor's office, for
25 example, you can add a couple more hours to the meter. So it's kind of insurance
26 protection against a \$35 parking ticket.

27
28 COUNCILMEMBER FLOREEN:

29 So we're a little worried that we're going to lose revenue from parking tickets?

30
31 STEVE NASH:

32 No, no.

33
34 COUNCILMEMBER FLOREEN:

35 Oh, well.

36
37 STEVE NASH:

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1 We're not really about tickets anyway. But, you know--and there's a small fee for this and
2 it depends--once we go through the solicitation. But generally, you know, 25 cents would
3 be a fee to use this service if you chose to. Otherwise, you could use, you know, the same
4 old method a lot of folks use. So what proportion of the customers want to use it and find it
5 convenient and useful is part of the pilot. We'll run a pilot for 90 days, and we'll see how
6 well it works. Phone reception--we'll do it on street, we'll do it on lots, and do it in garages.
7 And then, if I can, last thing is then you can also go back online and monitor your account.
8 You can print out receipts if you need parking receipts or you can print out the activity so
9 you can just see, you know, I started with this amount and here's what I charged. You
10 know, it's a chance to manage your money that way.

11
12 ARTHUR HOLMES, JR.:

13 A little bit of levity to this very staid occasion. I would hate to get a phone call while I was
14 in the dentist's chair.

15
16 COUNCIL PRESIDENT ANDREWS:

17 Ha ha ha ha! All right.

18
19 COUNCILMEMBER FLOREEN:

20 We could get in trouble with the theater people, as well.

21
22 COUNCIL PRESIDENT ANDREWS:

23 That's right. Council Vice President Berliner has a question or comment.

24
25 COUNCIL VICE PRESIDENT BERLINER:

26 Just a brief comment. This is something that the Bethesda community is very excited
27 about, and I'm sure all my colleagues will be. Hopefully this will test positively and that
28 we'll be able to expand this countywide. It is something that people are pleased about,
29 and certainly the notion of not getting a ticket because you were 15 minutes late to getting
30 to your parking space is something I know all of us want to support. So even though I
31 have been asked the question by the media as to whether or not we're concerned about
32 losing dollars with respect to this, I think this is one of those situations where we are glad
33 to give up the dollars to provide this quality of service to our constituents.

34
35 COUNCILMEMBER FLOREEN:

36 OK, the next item is parking fine transfers to the Mass Transit Fund. Just an update, you
37 should be aware that there's a change in transfer policy right now. Currently, the policy

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1 has been transfer \$25 of every fine collected in the Parking Lot District to the Mass Transit
2 Fund, which directly pays for buses, as long as the Parking Lot District is in satisfactory
3 shape. For the next year, the policy will go up to a transfer to \$75 of those funds to the
4 Mass Transit Fund. This will not, though, apply in Wheaton because we're--they're still
5 nursing them along. Oh, yeah, you're right. And associated with that is a fine transfer
6 correction from the Montgomery Hills Parking Lot District to the Mass Transit Fund--a little
7 math correction there. On parking security, which I jumped over, there's no change in
8 Fiscal Year '10 to the number of parking and security patrol hours in any of the PLDs.
9 There is an increase in cost in Bethesda and Silver Spring from \$45.21 an hour to \$48.82
10 an hour. The cost for police and security in Wheaton would remain the same at \$43.10,
11 and the cost of contract security guards would remain at \$20.42 an hour. And cost of
12 service--security provided in Silver Spring will remain, interestingly, much less expensive
13 at \$11.71 an hour. The Mass Transit Fund we spent a considerable amount of time on
14 because, basically, there was a recommendation of--of a nearly \$5 million decrease in the
15 Fiscal '09 approved budget. This has been a real challenge for us, and you can see at the
16 bottom of page 9 and through the top of page 8 what the Executive's recommendation
17 with service impacts would be. And these are the most--the most notable ones are here.
18 The complete list is on circle 50. We had a lot of trouble with the proposed decrease in
19 service, and I want to commend Mr. Orlin for his assistance in trying to find a solution to
20 this. Uh--
21

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1 COUNCIL PRESIDENT ANDREWS:

2 Councilmember Trachtenberg has a question.

4 COUNCILMEMBER FLOREEN:

5 Yeah?

7 COUNCILMEMBER TRACHTENBERG:

8 Actually, just a quick question, Nancy. What was the final recommendation of the
9 Committee on T2, on that particular route? How would we be restoring that? It wasn't
10 absolutely clear in the packet.

12 COUNCILMEMBER FLOREEN:

13 That's a Metro, isn't it?

15 GLENN ORLIN:

16 It's one of--there are 3 routes where the County for the last year or so has been providing
17 the weekend service on Metrobus routes, one of which is the T2, and the Committee's
18 recommendation would continue to allow the County to provide that service on weekends.
19 So it would not be cut.

21 COUNCILMEMBER TRACHTENBERG:

22 OK.

24 COUNCILMEMBER FLOREEN:

25 The-- say, how do we do this, Glenn? You don't have the summary of the
26 recommendations on the transit fare here.

28 GLENN ORLIN:

29 This is a hard one to describe because there's so many pieces and they all sort of fit
30 together. Um, I guess what I would suggest we do is we go through each of the individual
31 items, and then at the end of it talk about how it all sort of fits together.

33 COUNCILMEMBER FLOREEN:

34 Because what--you have the proposal here for the taxicab fees next and some of the
35 other allocations, and then we go back to addressing the service cuts.

37 GLENN ORLIN:

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1 If you'd like, I could describe the overall package, and then talk about the pieces as we go
2 through, I suppose, if you want to?

3
4 COUNCILMEMBER FLOREEN:

5 Well, I'll tell you what. Why don't we do the--let's see. What's the best way to do it? Why
6 don't we do the taxicab service stuff and get that out of the way, and then we'll go back to
7 some of the other issues. Taxicab fees and the taxi unit budget. The County Executive's
8 recommending 3 changes to the scheduled taxicab fees that apply to the drivers,
9 companies, and passenger vehicle license owners. And basically what they're proposing,
10 as I recall, was to add 2 additional employees, right?

11
12 UNKNOWN SPEAKER:

13 Yeah.

14
15 COUNCILMEMBER FLOREEN:

16 That was what you proposed. And to fund that, you would increase a number of fees
17 commensurate to generate the return necessary to support them?

18
19 ARTHUR HOLMES, JR.:

20 We were trying to make the taxi element self-sufficient.

21
22 COUNCILMEMBER FLOREEN:

23 Right. And we heard from the stakeholders who had a lot of concerns about what the cost
24 meant, and the need for additional staff they questioned. We listened to them and asked
25 Glenn to work with them as to what was the best way to structure the continuing taxicab
26 review process, adequately support the staff there, and to make sure that the overall taxi
27 service could be delivered in a reliable fashion that was economically viable. Basically,
28 what we ended up in recommending is that we support eliminating one of the positions for
29 a new hack inspector position. But we supported retaining the new program specialist
30 position. Then we asked the Council staff to come up with a set of recommended fees that
31 would achieve this result, and I don't--the Committee didn't look at these directly. We
32 asked Glenn to work with the community on this, and what they came up with is basically
33 the set of recommendations you see on page 11, which would delete the driver I.D. card
34 fee, set the PVL renewal fee at \$495, and set the license transfer fee for--up at \$3,995. I
35 don't think--the math is necessary to achieve that result. That was the allocation of dollars
36 that was recommended by the community as what seemed to them to be the best balance
37 of--of charges. So that's what we've got going here.

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1
2 COUNCIL PRESIDENT ANDREWS:
3 Council Vice President Berliner has a question or comment, and then Councilmember
4 Knapp, as well.
5

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1 COUNCIL VICE PRESIDENT BERLINER:

2 Just for the record, my support for even retaining this one was predicated on getting an
3 answer to the question as to what the assumptions were with respect to the workload as it
4 related to the transfer of licenses, etc. My understanding--and I do want you to know that
5 those assumptions had not previously been shared with the industry with respect to why
6 you need this additional person. And so from my perspective, it still isn't clear to me that
7 you need an additional person. I would be grateful to understand how many licenses you
8 are assuming turn over for purposes of this. How much time do you think that is going to
9 require, in terms of your review, so that the additional workload is necessary? Because
10 the industry is saying they would rather pay the money, same money, and not have the
11 additional staff, and I'm somewhat sympathetic to it, with the greatest respect. So I need
12 to understand what workload you perceive you're going to have as a function to this.

13
14 ARTHUR HOLMES, JR.:

15 First, we're looking all sorts of regulators here, and we need a technician to work with us
16 in regulating the taxi industry.

17
18 COUNCIL VICE PRESIDENT BERLINER:

19 OK, and I need to understand what that technician that--what would--

20
21 ARTHUR HOLMES, JR.:

22 He works with Article--53? Article 53 in the Provision. In that article, during the working up
23 of the budget, we gave up--I don't want to say gave up--we cut, eliminated one position, a
24 position--the technician's position--with the idea that we make the taxi element self-
25 supporting, and we would then pay for that particular position with the fees that we would
26 get. With respect to what we think causes us to need that, we think there will be greater
27 activity based on the recent court decision by the court that gave--has given Barwood the
28 ability to transfer as many as 250 license. We expect that that could be anywhere from 40
29 to maybe 70 license, and that's activity that we have to do with that particular technician.
30 Let's see. What else went into that? Those are the primary things...

31
32 COUNCIL VICE PRESIDENT BERLINER:

33 If I could ask Dr. Orlin-- Dr. Orlin, in your judgment, is this position--given that explanation,
34 do you believe that it's appropriate for us to fund this position?

35
36 GLENN ORLIN:

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- 1 My recommendation was not to fund it but to fund the hack inspector. But what happened
- 2 in the Committee was that--
- 3

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1 COUNCIL VICE PRESIDENT BERLINER:

2 The opposite.

4 GLENN ORLIN:

5 Well, what happened was the Department said, "If you're going to cut a position, could you
6 cut the hack Inspector and let us have that position?" You unanimously said, "OK."

8 Edgar Gonzolas: I just want to make sure that we eliminated one position in this program.
9 So the net increase is actually zero, Mr. Berliner. We are not--with you approving the
10 program specialist, you are not adding staff to this program. Basically, it's a net increase
11 of zero.

13 CAROLYN BIGGINS:

14 The reason why we need the program specialist first is because that's the position that
15 actually gets the paperwork in to transfer the licenses, works directly with the licensees.
16 And that person's workload--right now we have one program specialist doing that, and
17 he's working with approximately 124 licensees. With the change in the Barwood case and
18 the parity that's built into the bill, that can grow up to roughly 534 licenses. So it's a
19 tremendous workload increase. Now, it does happen throughout the 5 years as Barwood
20 stages it, but that position right now has more than enough with just the 124 licenses. So
21 that's why we felt it needed to be done now.

23 GLENN ORLIN:

24 The issue was-- eventually, one or the other-- what Ms. Biggins is saying is absolutely
25 right. The question is, when will it materialize? And that was the issue I have.

27 COUNCILMEMBER FLOREEN:

28 OK. So that was our recommendation. As I noted, this is one that we have more public
29 hearing testimony tonight. But we've tried to coordinate very closely with the community
30 interest in this. I think Mr. Knapp is trying to press the button.

32 COUNCILMEMBER KNAPP:

33 I just had one question, because it doesn't say here. What--or I'm missing it if it does--
34 what were the fees previously that would raise them to--

36 GLENN ORLIN:

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1 The current PVL renewal fee is \$325. The Executive's proposal was to raise it to 750, and
2 this new proposal would raise it instead to 495. And then the fee for transferring 1 to 4
3 PVLs is currently \$2,500 per PVL. And if--the Exec's proposal would go to--it'd be doubled
4 to \$5,000. The proposal now is to raise it to \$3,995. Roughly 4,000, but \$5.00 less to
5 avoid sticker shock.

6
7 COUNCILMEMBER FLOREEN:

8 Ha ha ha! That was at the request of the industry. OK, next item, update on the Call 'N'
9 Ride program. This is a program providing subsidized taxi service for low-income seniors
10 and low-income folks with disabilities, and Glenn has provided you with a lot of detail
11 about this. What--given the fact that in these tough economic times we wanted to prioritize
12 protecting and enhancing the safety net of services for vulnerable populations, we
13 recommend adding 139,680 to the reconciliation list, which would reduce, basically, the
14 cost of the coupon books that folks in this category currently pay. Right now they pay
15 \$17.25 for--what is it, 20 rides?

16
17 GLENN ORLIN:

18 It's for a \$60 book of coupons.

19
20 COUNCILMEMBER FLOREEN:

21 For \$60 coupons. We would reduce it to \$10. And for those in the second category, we
22 would reduce it to \$20. We think that it's hard enough to get around these days. And if we
23 could make this resource available, perhaps we could help more people in their ways to
24 work and to services. So that's what we recommend for the reconciliation list.

25
26 GLENN ORLIN:

27 Can I explain? Actually, this is not--this the thing that we spend a minimum?????--was the
28 Committee wanted to do several things as part of a package, and this is actually part of a
29 package. So this is actually not being recommended to be added to the reconciliation list.
30 This is actually being recommended to be added into the budget directly, along with the
31 bus service being paid for by the parking fees being increased.

32
33 COUNCILMEMBER FLOREEN:

34 Oh, OK. Well, that's part of our parking fee plan?

35
36 GLENN ORLIN:

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1 It's really not part of the reconciliation list recommendations. It's a recommendation to add
2 it into the budget directly.

3
4 COUNCILMEMBER FLOREEN:

5 Well, that's right, and I think it's important to recognize. The T&E Committee wants to--has
6 worked hard to find resources to pay for its recommendations within the system, and that
7 is part of it. Thank you for setting me straight there. Um, for those of you who are
8 interested in this debate, we have continually kept track of whether it's cheaper to have
9 our Ride On bus or to have--to use the Metrobus services. And it still remains less
10 expensive to run a Ride On bus than a Metrobus, right, in light of our current charges and
11 cost and so forth. Jumping ahead--well, Glenn has described for you a variety of
12 employee subsidy programs that we have out there that are designed to entice our
13 employees to take transit to work. That's what these Transit Management Districts are
14 engaged in, and, generally, we have a variety of programs to assist employers and
15 employees in getting out of their vehicles. And so we have quite an elaborate program
16 that has been developed--gee, I don't know how long this has been in place, but for quite
17 a while-- and we're proud of it. But it has its own set of costs, and we have some
18 recommendations in this regard. Basically, we recommend--Glenn, do you want to explain
19 this to the Councilmembers, the stuff at the top of page 15?

20
21 GLENN ORLIN:

22 Sure. And just to first note at the bottom of page 14, that there--within the Fare Share and
23 Super Fare Share Programs, there are commitments that have been made to employers
24 already. They're part of a multiyear program, and those should be honored. But there's
25 also money still budgeted that is not yet committed to a firm, and obviously that's what's
26 being used by the folks who are out there trying to incent people into taking transit, to go
27 to companies and say, "Look, will you--if you join Fare Share, Super Fare Share, we can
28 provide subsidies to your employees." And the feeling here was that in these times, that
29 really wasn't as important as providing for the service itself and not cutting it, as well as
30 the fact that people seem to be going to transit now without a lot of additional assistance
31 anyway. So the second column on page 14 shows money that's recommended for
32 budgeting by the Executive which is not yet committed, and, essentially, the Committee's
33 recommending cutting back on some of those. So the top of page 15, the amount that's
34 shown for Silver Spring that's not yet committed is \$75,000, and the Committee's
35 recommending reducing that by 45,000 and using that instead as part of the payback that
36 the PLD owes to the general fund for advances it made to the PLD back in the early part
37 of the decade to fund some improvements. The PLD has been slowly paying that back,

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1 and this would pay it down by another 45,000. In North Bethesda, the budget that's not yet
2 committed is 100,000. But this would cut 65,000 from it, leaving 35,000 for those folks to
3 sell to employees, and that \$65,000 instead would be used to help restore the bus service
4 we'll talk about in a few minutes. In Wheaton, the budget is 39,270 that's not yet
5 committed. As Ms. Floreen pointed out earlier, the Wheaton PLD is in very, very bad
6 shape, and instead of transferring it to the TMD, that the money should just stay in the
7 Wheaton PLD reserve to make its reserve at least a little bit bigger than what it is now.
8 The Montgomery Hills Fare Share funding, you see there's almost over \$10,000 set aside
9 for that. None of it's been committed. There's very little use for it, frankly, and cutting most
10 of that here to--it was the Committee's recommendation to put it back into the Mass
11 Transit Fund. And then finally, there's a Fare Share program for the areas that are not
12 within a TMD. It's called the Countywide Regional Fare Share Program. That has currently
13 about \$80,000 left in it that could be used for getting folks into transit. The Committee's
14 recommending taking 50,000 of that and using that towards the restoration of the bus
15 service. So that's the Committee's recommendation on these.

16
17 COUNCILMEMBER FLOREEN:

18 So you'll see in the next section what our goal is. Basically, to reinstate all of the County
19 Executive's bus service cuts for Fiscal '09 and--which begin in April.

20
21 GLENN ORLIN:

22 For Fiscal '10.

23
24 COUNCILMEMBER FLOREEN:

25 Well, but--to--there are a certain number of services that have already been reduced or
26 eliminated, starting in April. And then there are a number of additional cuts that were
27 recommended, starting in July. If we were to do that--I'm not sure if it's in this memo, but
28 we would've needed--what, \$2.5 million?

29
30 GLENN ORLIN:

31 We needed close to \$3 million to have back all of the April service, as well as to retain the
32 service that would otherwise be cut in July.

33
34 COUNCILMEMBER FLOREEN:

35 And the-- that was a big number to reach, but we--the Committee felt that we could come
36 up with a plan to at least get us partway to that goal. And so you will see--again, there's
37 not a unanimous view here, but--that we have--we recommended adding 1.788--

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1 1,788,100 to restore all the planned Ride On service cuts through Fiscal '10 and adding
2 back some of the strategic buses that are placed--right now you may not appreciate it. We
3 have buses in key points in place to fill in when other buses break down or are overfilled,
4 and the proposal by the County Executive had been to eliminate, I think, all of those. We
5 proposed adding some of those back in. We added--proposed to add money to restore in
6 September the midday service on Route 6. And also to fund that, we proposed adjusting
7 the parking rates in Bethesda up. We proposed reducing the property--the Parking District
8 tax in Bethesda down. And then we propose adjusting the mass transit taxes that all
9 residents pay up so that we satisfy our charter limit issues but retain service--this amount
10 of service. It seems fair to us because the service that is in question is a service
11 throughout the County. So on a policy basis, that makes some sense. It keeps Bethesda
12 money in Bethesda. It offers some additional cost to parkers in Bethesda. But it also
13 provides a significant relief, in effect, to property owners in Bethesda who've been paying
14 Parking Lot District tax for a number of years that hasn't been adjusted. So that is the--we
15 had another proposal that we're not recommending at this stage as part of this package.
16 We're going to have some public testimony on it tonight, which would avoid some of that
17 transfer process and instead would directly permit Bethesda Parking District revenue to be
18 transferred to the Mass Transit Fund more directly. This does not require that to achieve
19 this objective. I think it is a fair way to address what I think most of us consider a very
20 pressing need--to keep bus service going while finding the resources in a realistic fashion
21 to pay for them.

22
23 COUNCIL PRESIDENT ANDREWS:

24 Thank you. Councilmember Ervin has a question, and then Councilmember Knapp.

25
26 COUNCILMEMBER ERVIN:

27 Thank you very much. I first want to congratulate and thank the Committee for all its hard
28 work in this regard. In my District alone, there are 15 bus routes that were proposed to be
29 cut or eliminated. And I also want to thank Council staff and Dr. Orlin. I have a question
30 about a particular route, and it is Ride On Route 18 and 25 that has service to Hillandale,
31 FDA, and Silver Spring. I was wondering if those routes--I see Ms. Biggins is here--
32 accommodate Victory Tower residents.

33
34 CAROLYN BIGGINS:

35 I believe they do. So can you address that? That was the only restructuring in our public
36 hearing that we held on the service cuts that actually got positive remarks.

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1 UNKNOWN SPEAKER:

2 The adjustments to the 18, 25 do address the Victory Tower question.

4 COUNCILMEMBER ERVIN:

5 OK, very good, because we've been asked the question about that, whether or not that
6 was going to have any impact, so I appreciate that. Thank you.

8 COUNCIL PRESIDENT ANDREWS:

9 Thank you. Councilmember Knapp, and then Councilmember Leventhal.

11 COUNCILMEMBER KNAPP:

12 Thank you, Mr. President. Again, I thank everyone for their efforts on this because I think
13 this makes a lot of sense--to come up with a way to continue to have as much transit as
14 possible. Recognizing that all transit everywhere doesn't always look the same, I see we
15 have higher rates of utilization in some of our denser places and we have lower rates of
16 utilization in other places, which doesn't necessarily make it any less viable for the
17 community. One bus route I wanted to check on is--or actually want to confirm. If I look at
18 9, where you identify all of those routes, the proposal that you've articulated from 9 to 10
19 replaces--keeps all of those routes in service?

21 GLENN ORLIN:

22 Yes.

24 COUNCILMEMBER KNAPP:

25 Then there was one that we have been made aware of, but I'm not sure where it fits--it
26 was difficult to find them--the 90 Route, which comes from Damascus?

28 GLENN ORLIN:

29 That was cut as part of the FY09 savings plan. It's now been cut, and the Committee's
30 recommendation would not restore that.

32 COUNCILMEMBER KNAPP:

33 Do we have any consensus as to the cost of that?

35 GLENN ORLIN:

36 I don't have that handy... It was a piece of--it wasn't the whole route. It was a piece of
37 Route 90.

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1
2 CAROLYN BIGGINS:

3 You talking about the weekend service or you talking about the Milestone area?

4
5 COUNCILMEMBER KNAPP:

6 Yes.

7
8 CAROLYN BIGGINS:

9 Ha ha ha ha!

10
11 COUNCILMEMBER KNAPP:

12 And one of the challenges that we have is, I think as people are aware, Red Wiggler is
13 along that route. And unfortunately, a number of folks who actually use Red Wiggler are
14 people who work at Red Wiggler, take that route to get there. So now there is no
15 mechanism for them to actually get to that facility, which is one of the challenges. And so
16 that's--you can take it. If you know it, great, or we can go to somebody else.
17

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1 UNKNOWN SPEAKER:
2 Yeah, we actually do have the numbers. The annual cost of the Saturday service is
3 150,000, and the annual cost of the weekday service, which was the extension from
4 Sweepstakes down to Milestone, is 146,000.
5
6 COUNCILMEMBER KNAPP:
7 So it's 146 for weekday.
8
9 UNKNOWN SPEAKER:
10 Is that the gross cost or is that the net cost?
11
12 UNKNOWN SPEAKER:
13 That's a net.
14
15 UNKNOWN SPEAKER:
16 The net cost? OK. So there's some offsetting revenue, but that takes that into account?
17
18 UNKNOWN SPEAKER:
19 Correct.
20
21 COUNCILMEMBER KNAPP:
22 Saturday's 150 and weekday's 146?
23
24 UNKNOWN SPEAKER:
25 Correct.
26
27 UNKNOWN SPEAKER:
28 That's for an annual basis, right?
29
30 UNKNOWN SPEAKER:
31 That's correct.
32
33 UNKNOWN SPEAKER:
34 The earliest-- this small thing--the earliest they could add back this service would be Labor
35 Day. So, essentially, 5/6 of that would be what you would need to restore it in September.
36
37 UNKNOWN SPEAKER:

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1 OK. And we wouldn't necessarily have to put in both. We could put in a weekday as
2 opposed to just a Saturday or--OK. Let me play with that...

3
4 COUNCILMEMBER FLOREEN:

5 Let me just say I don't think the Committee is fond of the routes that were cut in April. The
6 real question is how you get this to work fiscally. Now, there are some other tools that are
7 available, may be available, we may choose to make available that would permit
8 additional resources to fund this--these sorts of things. So, I mean, we don't have to finally
9 resolve this at this point. We can continue to talk about specific elements if folks want to
10 go that way. But let me--as I said, I summarized our proposal for financing this. And I'll just
11 remind everyone transit requires enormous public subsidy for operating cost. So it's still,
12 what, \$5.00 from the taxpayer for every \$1.00 the rider puts in the fare box. That's the
13 number, more or less?

14
15 GLENN ORLIN:

16 On average.

17
18 COUNCILMEMBER FLOREEN:

19 And, you know, that's just a fact. People should be aware of it, and it has to come from
20 somewhere. We're looking at parking resources as a fair policy tradeoff to achieve some
21 of this. Our proposal, as I said earlier, does not require that that be done in this case. But
22 we--I think it would be advisable to have that option if it comes to that and if other
23 Councilmembers have priorities that we haven't been able to address so far.

24
25 COUNCIL PRESIDENT ANDREWS:

26 OK, thank you. Councilmember Leventhal has a question or comment.

27
28 COUNCILMEMBER LEVENTHAL:

29 It's a comment. The Red Wiggler illustration is a good one. Because what we hear when
30 we're out in the community at town hall meetings and talking with our constituents is that
31 Ride On bus service is very consistent with the emphasis that the Council President
32 articulated early in this budget process, which was, first, we were going to look after the
33 neediest, the people who needed the most help. And for people who are using the Ride
34 On bus, in so many cases they don't have any other way to get from home to work or to
35 school or to social services. So I really appreciate the good work that Chairwoman
36 Floreen and Glenn Orlin have done here. And skipping ahead just a little bit, but I want to
37 do this because my dad is in the audience and he just asked me about this. We've put

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1 together this funding package which involves lowering the Parking District tax and raising
2 the mass transit tax and increasing parking revenues, and we did not use the other
3 options that Glenn had intentionally identified, which was we--and I just want to make this
4 clear for the record because we've got so much interest in this and so much testimony on
5 this. We are not proposing the elimination of Seniors Ride Free. We're not proposing the
6 elimination of Kids Ride Free. So, you know, as a public policy matter, if we're going to
7 subsidize mass transit as we should and we see the mobility benefit for people who drive
8 cars, because there are fewer cars on the road for those who don't use automobiles, and
9 we see the social benefit of people getting from home to school and work and social
10 services, etc., we should not pay for that by defeating the very same purpose on the other
11 end. So I think we made wise decisions here. And I'm glad we're maintaining the Seniors
12 Ride Free and the Kids Ride Free, and it's important we talk about those programs to give
13 credit to Councilmember Phil Andrews who initially proposed dramatically reducing rates
14 on Ride On or free bus service as much as possible, and he's consistently advocated for
15 that.

16
17 COUNCILMEMBER FLOREEN:

18 Absolutely. And thank you, Mr. Leventhal, because it's important to highlight that. We
19 haven't quite gotten through all this, so we'll-- you'll see the description of that concept.
20 But the challenge in all of this is to find the right policy tradeoffs. Where can we find
21 resources and where can we make service available to those who need it the most? And
22 remember, as I start out, we did take a \$5 million--well, highway user money to Maryland,
23 to Montgomery County, was hit by 32--no, \$34 million.

24
25 GLENN ORLIN:

26 Actually, the highway's written as 29 million, but it was also 5 million in state aid for transit.
27 But, overall, 34.

28
29 COUNCILMEMBER FLOREEN:

30 Well, 34 altogether, and that's a serious challenge to these good people trying to make
31 this all work.

32
33 COUNCIL PRESIDENT ANDREWS:

34 OK, thank you, Councilmember Leventhal, and back to--

35
36 COUNCILMEMBER FLOREEN:

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1 So many of us were--followed with tremendous interest the actions by WMATA last week
2 on Metrobus service. Things did not turn out as badly as we had thought they might, and
3 Glenn has made it clear. In the packet you'll see what routes are now affected in
4 Montgomery County. Basically, they're increasing express fares on the J7, J9 express
5 buses. The L7 on Connecticut will be eliminated, but there'll be some provided--there'll be
6 some additional buses provided for the L8 route in the same corridor. The C7 and C9
7 routes, Greenbelt to Glenmont, be eliminated, but they weren't doing well to begin with.
8 And there will be some off-peak midweek service on the Z2, which is in the Colesville-
9 Ashton area, where routes will be eliminated. Our--our proposal, though, would allow the
10 County to continue to operate the L8 and T2 service--is that the one you asked about,
11 Duchy?--on Saturdays and Sundays and the Z2 on Saturdays. Then moving on to the
12 fees, charges, and fares element of all of this that we've talked about already to a certain
13 degree, in Mr. Orlin's zeal to find ways to identify resources, he--we talked about was it a
14 good idea to eliminate the free ride programs, and the Committee did not support that. Nor
15 did it support changing the Kids Ride Free Program. And we also felt we should continue
16 to maintain the "C" Pass Program that allows County employees free Ride On service.
17 Again, these are part of the tradeoffs. How do we make service available, how do we
18 make this a transit-friendly community, and how do we get people to get out of their cars?
19 That is the unending challenge. At the top of page 19 you'll see the County Executive
20 proposes that we charge full fare on Route 93 and 96. We heard a fair amount about
21 Route 93 in the public hearing, I believe, that--at least that it be continued, and now there'll
22 be an additional charge for that. Also, there are some increases in the fares for the Ride
23 On Route 70 and express service from Milestone to Bethesda. Next, we get to the not-
24 well-received proposal on the parking lot in Bethesda to raise parking fees. We listened
25 very carefully to the communities and worried about the impact both to small businesses
26 and to commuters, employees. Everyone is facing challenges we know these days
27 financially. It's not--never an easy thing to do. I don't believe that we've ever received
28 community support for raising fees or changing hours. As I recall, that tends to be one of
29 our most heavily opposed initiatives. What the Committee recommended doing in this
30 regard, and again, this is part of the whole, "How do we fund the transit package?" We
31 recommend the option that Glenn identified on page 21 in the middle of the page.
32 Basically, this was a tradeoff, a balancing of some of the--the first stab at looking at a
33 resource development program and what the community was telling us. What this would
34 do, would raise the price of all short-term spaces in the Bethesda Parking Lot District from
35 75 cents to \$1.00 an hour. And we were told that this would be pretty consistent with
36 what's the charges in the District and in parts of Virginia, right?
37



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1 GLENN ORLIN:

2 Alexandria, Arlington, Rockville roughly charges \$1.00.

4 COUNCILMEMBER FLOREEN:

5 There you go. We would raise the price of long-term spaces from 50 cents to 65 cents an
6 hour. We'd raise the price of parking convenience stickers in the Bethesda Parking Lot
7 District from \$95 to \$120 a month. We'd raise the price of a 2-person carpool permit in the
8 Parking Lot District from \$70 to \$90 a month and a 3- to 4-person carpool permit from \$40
9 to \$50 a month and a 5-person carpool from \$10 to \$13 a month. And the price of a daily
10 parking permit in the Bethesda PLD would go from \$8.25 to \$10.50. There is no easy way
11 to address these things, but it seemed to us to be a fair way to balance out these
12 competing interests. To ease the pain, though, and in response to--really, and in
13 sympathy with the challenges that we know the businesses in Bethesda currently feel
14 these days, what the proposal would be is to reduce the Parking Lot District tax, which all
15 property owners pay in Bethesda and many of them pass on in their leases to their
16 tenants. We'd reduce that tax by 10 cents, and that would be for improved property, and
17 that translates into 5 cents for unimproved property. And that would--we would do that,
18 and as a result, there would be really a net balancing in the Bethesda District.

20 GLENN ORLIN:

21 Right. Just one clarification. The Bethesda Parking District tax is paid by those businesses
22 which are having the County provide their current parking. Those who were providing their
23 own parking don't pay the tax.

25 COUNCILMEMBER FLOREEN:

26 Right. Those typically are the smaller-business owners. The big projects, by and large,
27 provide their own parking.

29 COUNCIL PRESIDENT ANDREWS:

30 Councilmember Ervin has a question.

32 COUNCILMEMBER FLOREEN:

33 And let me just finish this sentence. And what we would do to accommodate the transit
34 need generally would be to increase the County's mass transit tax by 1/10 of a cent per
35 \$100. Basically, that would translate into a \$4.00 increase, average increase for the
36 average property taxpayer. And that's how we would generate this--what does it come up
37 to, 1.9 million?

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1
2 GLENN ORLIN:

3 Well, in terms of what's generated by the tax, the mass transit tax, it's a little under 1.7.

4
5 COUNCILMEMBER FLOREEN:

6 1.7-- yeah. There you go.

7
8 GLENN ORLIN:

9 And then there's additional money for the personal property tax we'll talk about in a
10 minute.

11
12 COUNCILMEMBER FLOREEN:

13 So that's what it would total roughly, and that would permit us to retain the current Ride
14 On service and also to fund the--that additional support for the ticket--the coupon book,
15 right? Call 'N' Ride Program. Is that it for this part? I think so. Yes. Questions?

16
17 COUNCIL PRESIDENT ANDREWS:

18 Yes. Councilmember Ervin?

19
20 COUNCILMEMBER ERVIN:

21 Just a quick comment to--once again, kudos to the T&E Committee for all its hard work in
22 this regard because, as we all know, there is an increasing need for transit among all the
23 citizens that we all represent in the County. And if you put this in its proper context in
24 terms of the tax itself, if you break down the mass transit tax, it's 33 cents a month for the
25 average house. So for 33 cents we're able to keep all Ride On buses in service. I think it's
26 a price that is well spent. So I congratulate you, Nancy, once again for being such a
27 staunch advocate and for doing the hard work of going out there and proposing
28 something, even though it has raised the ire of some of the folks in our communities. But I
29 think it's the right approach, so congratulations.

30
31 COUNCIL PRESIDENT ANDREWS:

32 Thank you, Councilmember Ervin.

33
34 COUNCILMEMBER FLOREEN:

35 My Committee gets all the credit. Next element is also a proposal to raise parking fees
36 outside Parking Lot Districts. There's a certain amount of history here that Glenn has
37 proposed. So you're--we're proposing, Glenn, that the current proposal would bring the

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1 Parking District--the parking fees in the County outside the Parking Districts back in line
2 with what's currently charged in Silver Spring, basically?

3
4 GLENN ORLIN:

5 That's right. It raises the short-term rate from 60 cents an hour to 75 cents, the long-term
6 rate from 45 cents an hour to 50 cents, and the monthly pass from \$85 to \$95.

7
8 COUNCILMEMBER FLOREEN:

9 And this would basically, again, add in 62,670 to the Mass Transit Fund. In the same line,
10 we propose increasing biannual residential parking permit fee to \$35. That would increase
11 revenue generally by \$20,000, and it would be the first time in 5 years that we've taken a
12 look at this. And with, um--we looked at raising the fine for parking recreational vehicles
13 on public streets, our new initiative. It was set at--it was assumed as at \$50 when Council
14 approved this previously. We recommended starting at \$75. That hasn't really taken effect
15 yet, has it?

16
17 GLENN ORLIN:

18 That's correct.

19
20 COUNCILMEMBER FLOREEN:

21 With that, we get into the CIP issues. Some modest adjustments there. Basically--the
22 Pedestrian Safety Program, capital projects. Basically, these are projects that would use
23 current revenue generated by the speed cameras. We would have less revenue if people
24 would slow down. That doesn't seem to have happened yet, although--even in Chevy
25 Chase. So--although we would recommend that people slow down, it is a resource for us
26 to spend some money in really getting our attention focused on where our biggest
27 problems are. County Executive recommends adding \$600,000 from this to the program
28 to conduct 2 additional pedestrian safety audits annually in high-incidents areas. This
29 would bring it up to 4. The 4 tentative high-incidents locations in Fiscal '10 are Colesville
30 Road in Silver Spring, the Glenmont Metro Station policy area, Connecticut Avenue and
31 Aspen Hill in Veirs Mill, and Veirs Mill Road at Randolph. The current projects underway
32 are in the Longbranch area, Piney Branch Road from Flower Avenue, Wisconsin Avenue
33 from Montgomery Avenue to Leland Street, Georgia from Sligo up to Spring, and Rockville
34 Pike north of Randolph to Halpine. And this ought to get us in good shape to make some
35 serious improvements there. Pedestrian lighting participation. The State Highway
36 Administration does not provide continuous roadway lighting in its projects. However, they
37 will cooperate with the local jurisdictions where necessary. And the County Executive is

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1 proposing \$760,000 to provide County funds for 80% of the lighting. Primarily here, it
2 would be at the Montrose Road/Rockville Pike intersection--improvement that is going on
3 as we speak. We did recommend that this should be addressed with G.O. Bonds rather
4 than current revenue if--and that's what we'd recommend.

5
6 COUNCILMEMBER KNAPP:

7 Thank you, Mr. President. Thank you, Madam Chair. It's my understanding someplace in
8 here is a proposal to actually focus on street lights along Wisteria Drive. I don't know
9 where. I'm seeing Hamel's????? head nod up and down, so that means it's in here
10 someplace, so that's a good thing. I just wanted to say thank you because it's been an
11 ongoing conversation. It's a very difficult place. But with our efforts in parking and now
12 with our efforts with the lighting--and I know it was somebody else's issue before and
13 didn't get done the way it was supposed to and we're stepping into the breach to fix that,
14 and so I--yeah. Yeah. So I appreciate everyone's efforts to get that done. It is much
15 needed in that part of the community, and I just wanted to thank you.

16
17 COUNCIL PRESIDENT ANDREWS:

18 Thank you, Councilmember Knapp. And let me add that street lighting is certainly very
19 important, and I know that our Department works hard at it and coordinates with the State.
20 There are a lot of outages out on 270 and on a lot of the ramps onto 270. I was on the
21 ramp from Montrose Road recently, a couple days ago, getting onto 270. It was
22 completely dark--no lights at all from going north on 270. And it's also been a problem, I
23 know, getting onto South 270 if you are heading west on Darnestown, then getting onto
24 South 270. Very dark there over a number of times. So what kind of coordination is there
25 with the State on lights on 270, especially the ramps?

26
27 ARTHUR HOLMES, JR.:

28 Well, we do coordinate with them directly. I'll look into these particular areas here and see
29 why we have not had a response from them or if we have identified them, too.

30
31 COUNCIL PRESIDENT ANDREWS:

32 OK. All right.

33
34 UNKNOWN SPEAKER:

35 Mr. Andrews, sorvey?????. I believe-- and, Edgar, you may know a little bit more about
36 this. I believe that the State Highway Administration is putting some of these--the stimulus
37 funding that is going to the State to reconstructing some of the lighting systems along the

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1 interstate system. Because I know some of their-- there's some long-running issues with
2 the age and condition of the infrastructure for lighting along the interstates in this county.

3
4 COUNCIL PRESIDENT ANDREWS:

5 OK. It's also been an issue, I know, along Great Seneca Highway between Muddy Branch
6 and the entrance to the Lakelands, really, or at least up to the creek. So that stretch
7 seems to be problematic, too. Thank you.

8
9 COUNCILMEMBER FLOREEN:

10 OK. Next issue is intersection and spot improvements. County Executive has proposed to
11 add half a million annually for intersection modifications and traffic calming eligibles that
12 are debt eligible--traffic calming improvements that are debt eligible. We support that and
13 would recommend funding this with G.O. Bonds if we can. Annual sidewalk program.
14 Again, County Executive is recommending 1.2 million of speed camera revenue to this
15 program. We support that. We know that it's a constant need within communities and,
16 coupled with the Safe Routes to School Program and others, we think we need to
17 continue to beef this up. Mr. Knapp?

18
19 COUNCILMEMBER KNAPP:

20 Thank you, Mr. President. Um, Hyattstown. We've had ongoing conversations as to where
21 things stand. I know there had been an announcement in the paper a few weeks ago as to
22 the next stage, I guess, of studying feasibility. I just wanted to get a quick update just
23 because it's both a pedestrian safety sidewalk issue, also a traffic calming measure, we
24 hope, because of the speed that those people come down through the hill on 355. So I
25 just wanted to see where we stood with that.

26
27 BRUCE JOHNSTON:

28 We are working with the State. The State has done a study of that area, and we're
29 obtaining the results of their study. We have funded in our Facility Planning Project to do a
30 comprehensive study of a sidewalk along there. It appears to be feasible to put sidewalks
31 on both sides of that roadway, and we're doing survey on that right now.

32
33 COUNCILMEMBER KNAPP:

34 And in order for a project like that to move forward, would that be cost share between both
35 County and State at some match? Do we expect that since it is along 355, that the State
36 would actually do it? We would just advocate really hard? How does that work?

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1 BRUCE JOHNSTON:

2 It probably would be a shared cost. Yes.

4 COUNCILMEMBER KNAPP:

5 OK, is that usually like a 50/50 thing or we don't know? OK.

7 BRUCE JOHNSTON:

8 It depends on the project. I'm not sure at this point.

10 COUNCILMEMBER KNAPP:

11 All right, just wanted to check. Thank you.

13 COUNCIL PRESIDENT ANDREWS:

14 Thank you.

16 COUNCILMEMBER FLOREEN:

17 Next item, street tree preservation. Regrettably, the County Executive recommends
18 reducing the program by half in Fiscal '10, and we go along with him on that. Advance
19 transportation management systems. This addresses new technology improvements to
20 our traffic and transit control systems and, while invisible, really important to managing the
21 system. I don't know that we give the Department enough credit for its tremendous work in
22 this regard and for all these initiatives, but this is a really important one that we've
23 supported over the years. Basically, they're going to reduce the funding for this by 10%.
24 This will result in no new traffic surveillance cameras to be installed in Fiscal '10. This is
25 unfortunate. This is a cost we're going to have to take. Likewise with respect to bus stop
26 improvements. There is a program underway to improve all of our bus stops. The County
27 Executive is reducing--recommending reducing that by 10% to help close the gap. We
28 said, well, OK for this year, but we would propose adding it back in Fiscal Year '12.

30 COUNCILMEMBER ERVIN:

31 Madam Chair, I have a question on that. My question has to do with the 2 million annual
32 funding for bus stop improvements. I'm looking at number 4. It says, "By the end of FY09's
33 program to improve, the County's large inventory of bus stops will be halfway to
34 completion." So I'm sure the Committee talked about this but I wasn't there, but what's the
35 timeline for completion of all the bus stops?

37 GLENN ORLIN:

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1 The .PDF is on circle 98 or 99. The new one's on 99, but the 98 also would work for you
2 on this question. The program is scheduled to be finished early in Fiscal Year 2012. It's a
3 6-year program that started in Fiscal Year 2007, and so we're now at this point at the end
4 of '09 halfway through. Actually, the cut from the Executive is really only 1%. About 10%
5 of the project is funded with current revenue, and the Executive is recommending cutting
6 10% of that 10%. So it's only 1%, and that's the 20,000 we'd be adding back in the last
7 year in FY12. But we're halfway through.

8
9 COUNCILMEMBER ERVIN:

10 I just really think it's an important item, and I concur with what the Committee's
11 recommending. But a lot of people don't ride the bus because they don't want to stand out
12 in the elements. And I am seeing as I'm driving around the County more and more of
13 these bus stops are being completed, and we really appreciate all your hard work and
14 effort. But I think as more and more people see that these bus stops are being
15 constructed and improved, I think you'll see more and more people attempting to, you
16 know, ride the system. So I really appreciate all that hard work on that.

17
18 GLENN ORLIN:

19 If I could add, what this program does is actually it relocates bus stops. It builds bus stop
20 connectors. It builds these, like, knee areas where you can sit down on the outside. The
21 actual shelters is a different program that's being provided through the--

22
23 COUNCILMEMBER ERVIN:

24 Well, that's really a good part of my question here in terms of what gets done with what
25 funding.

26
27 GLENN ORLIN:

28 Right. Carolyn?
29

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1 CAROLYN BIGGINS:

2 This funding, this CIP funding, is for the safety improvements to bus stops and the ADA
3 access, the sidewalk extensions, and the knee walls. The shelters are put in through the
4 Clear Channel Franchise Agreement, and they have roughly 400 that have been installed,
5 so far.

6
7 COUNCILMEMBER ERVIN:

8 Thank you very much.
9

10 COUNCILMEMBER FLOREEN:

11 And thanks for alluding to the Clear Channel plan. How far along are they--Clear
12 Channel?
13

14 CAROLYN BIGGINS:

15 They have 370, roughly, that are already built, and then they will get up to probably 397 by
16 the end of this Fiscal Year. And they are continuing to work on--they had 100 non-
17 ad????? shelter locations where we would identify where they should go in, so they're
18 working with us on that, as well.
19

20 COUNCILMEMBER FLOREEN:

21 Good. We're making some progress. Montgomery Mall Transit Center. I--this was
22 supposed to have been done by now, but the developer--the mall redevelopment has
23 been delayed, and so the money is delayed. Now, we anticipate that will occur in Fiscal
24 Year '11. And we said all right, if that's the story. Next, Facility Planning, transportation.
25 You will note that the County Executive has--has been persuaded by Mr. Elrich that we
26 should advance dollars for a countywide bus rapid transit feasibility study. We support
27 that, accept, and recommend that it all be funded in Fiscal Year '10. Likewise, it adds
28 \$925,000. Most of this has been spent to a certain degree for work by DOT and its
29 consultant for the Road Code Task Force and the design manual. We're deleting a Phase
30 II Study for Longdraft Road widening. We had already looked at that and determined that
31 spot improvements weren't warranted in the short term. It delays a study for the Dorsey
32 Mill bridge extension--road extension and bridge over 270 by 2 years. It deletes studies--
33 \$160,000 for studies of potential new park-and-ride lots in transit centers. \$160,000 worth,
34 as I said, in 2 years that would pick up again in Fiscal Year '11. And the County Executive
35 proposes the delaying of 4 sidewalk studies scheduled to start in Fiscal '13. We did not
36 support delaying the Falls Road or the Goldsboro Road sidewalk studies. So that's our
37 recommendation on that. Bethesda CBD streetscape. Basically, it's an adjustment to the

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1 production schedule of making improvements along Woodmont Avenue, Wisconsin, and
2 East-West Highway. They're going to make--install really--install very carefully--they're
3 Bethesda pavers, right? But this delays the start of construction by 2 years. Brookville
4 Service Park. This is the last stage of the long-planned reconstruction of one of our fleet
5 maintenance and Highway Services Depots. It's going to start in June and be completed
6 in late Fiscal '12. There's an adjustment in the timing of spending but not on the project,
7 so we will finally get something done for the Ride On things. This is a good thing. North
8 County Maintenance Depot. Events have occurred to require the delay of the start of
9 construction by one fiscal year. So this would actually begin in Fiscal Year '12 at this point,
10 Glenn?

11
12 GLENN ORLIN:

13 Yes.

14
15 COUNCILMEMBER FLOREEN:

16 And would end the following year. This will have a new Ride On depot.
17

18 GLENN ORLIN:

19 I'm sorry. It'll be towards the end of Fiscal Year '11.
20

21 COUNCILMEMBER FLOREEN:

22 Towards the end of--OK.
23

24 GLENN ORLIN:

25 And finish in FY13. Somewhere in 2013.
26

27 COUNCILMEMBER FLOREEN:

28 But a bit later. There are water and sewer issues, and we checked that out and it seems
29 to be absolutely unavoidable. And, of course, there continue to be environmental issues
30 that we know the Department is well aware of and it will attend to. Basically, this is part of
31 our ongoing program with respect-- and frustration with respect to our transit fleet. Until
32 we have a place to park buses and maintain them, we can't add to our fleet. And this will
33 help enormously, but, regrettably, it's delayed.
34

35 COUNCIL PRESIDENT ANDREWS:

36 Just a second. Council Vice President Berliner?
37

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1 COUNCIL VICE PRESIDENT BERLINER:

2 I regretfully wasn't with my colleagues when we took this matter up. I do want to make
3 sure that we are fully aware that it is possible that this Council will change the impervious
4 service limits with respect to the Special Protection Area in that area, and that Ten Mile
5 Creek is a very sensitive area. We may not. But I presume that this is the depot that is
6 contemplated for that area. And my question to you--and we don't have to debate this
7 matter now. We can take it up in full Committee or whatever. I am going to be seeking
8 assurances that if this Council concludes that this Special Protection Area is worthy of
9 additional protection, that our County will be a good steward of the environment, as well.
10 So I know that we're pretty well far down the road in terms of design and things of that
11 nature, but we--I am asking you to build into your equation the possibility that we're going
12 to have a restriction on our impervious surfaces up there, and it could go from the 15%
13 down to 8%. It may not, my colleagues, and this Council may decide that that's not
14 warranted, given the environmental concerns that exist there. But if it does, I am assuming
15 that we will lead as opposed to follow on this sort of issue.

16
17 ARTHUR HOLMES, JR.:

18 We'll have to make adjustments if we then have a different set of standards to meet. We
19 have met the standards that are there now through some creative land use, and I think we
20 can look at other things to do. This is actually under the purview of the General Services
21 Director, but we work together and we certainly will do that.

22
23 COUNCIL VICE PRESIDENT BERLINER:

24 And I do appreciate that you're working with a certain reality today, and I just want to
25 make sure that you recognize that this is a--it's a big issue. One that our Department of
26 Environmental Protection is struggling with, one that our Park and Planning folks are
27 struggling with, one that, based on what we have seen preliminarily from development in
28 that area, it could well be that we're going to need to tighten our standard in this regard
29 and that this facility, I hope, will be able to accommodate that.

30
31 UNKNOWN SPEAKER:

32 We're meeting with DEP, who are meeting and, of course, working with Park and Planning
33 to develop the recommendations on this. And we are talking to them on a regular basis on
34 what their preliminary recommendations are, so we are trying to incorporate to a
35 long?????. Of course, if we have, like you said, a severe change, like down to 8%, it will
36 definitely affect the cost.

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1 COUNCIL VICE PRESIDENT BERLINER:

2 Understood. Thank you.

3

4 COUNCIL PRESIDENT ANDREWS:

5 Thank you, Council Vice President Berliner. Councilmember Knapp has a question or
6 comment, too.

7

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1 COUNCILMEMBER KNAPP:

2 Thank you, Mr. President. I'm always excited to hear people be concerned about
3 Clarksburg. That's a good thing. And the theme that the Council Vice President has raised
4 is one that we've discussed a number of times in making sure that whatever standards
5 apply to the rest of the community apply to whatever happens at our North County
6 Maintenance Depot. I would suggest, though, that one of the things that we need to do up
7 there is to make sure that the storm water quality standards, or the actual infrastructure,
8 moves from an interim capacity into a more permanent capacity sooner than later
9 because that will actually have a larger and more significant immediate impact on water
10 quality. And so I think that's going to be our bigger issue, and we need to be working with
11 DEP to get that done as quickly as we possibly can. And I guess the other observation I
12 would make--and I appreciate the Council Vice President's Concern because I think that
13 we need to continue to have a strong dialogue with the community as this moves forward.
14 And I have continued to push for that, and I think we need to continue to push for that
15 because I'm not--I never get the real warm fuzzy that everyone's talking to each other. I
16 know that-- I hear there are conversations, but every time I go up and meet with folks in
17 Clarksburg, I never get the sense that they feel like they've been fully embraced in this
18 process. And I think that's going to be important for them to understand every step along
19 the way--what needs to be done and how it's getting done. And then the only other
20 observation I would make with this is there are a number of potential demands on the
21 resources of the capital budget in FY11, '12, and '13 out there pending, and I was just
22 intrigued that this only increases those demands for those years by the shift that we've
23 seen. And so that would seem to run a little bit counter to some of the other proposals
24 we're seeing put out there by the Executive Branch. Not necessarily through your efforts,
25 but certainly through some of the other large shifting of capital projects and land
26 acquisitions that are being proposed. These are just one more set of big-dollar transfers to
27 those years, and I'm just not sure how it all adds up ultimately.

28
29 COUNCIL PRESIDENT ANDREWS:

30 Thank you, Councilmember Knapp.

31
32 COUNCILMEMBER FLOREEN:

33 OK. So that's that. No chapter in this book is ever finished on how we deal with our transit
34 system. State Transportation Participation Project. We have returned to this project
35 periodically to reflect funding issues. Of course, with this year's change in State funding,
36 there have been some additional alterations. Basically, the State money that had been
37 planned for the design of future interchanges on Route 29 and the widening of 124--and

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1 that has been withdrawn by the Maryland Department of Transportation. However, the
2 good news is that they're fully funding the intersection improvement here at Route 28 and
3 Veirs Mill Road. So we can thank President Obama for that--the stimulus money. These
4 projects were previously approved, but we hadn't--in a program, but we had not
5 appropriated the money for the rest of the projects on page 28, so we're required to do
6 that. But we've already talked about them in the past. Next, the Ride On bus fleet. This is
7 the project that funds replacement of Ride On buses, and you can see the adds and the
8 subtracts, the cost issues, and the details that have affected our review of our ability to
9 acquire diesel or hybrid vehicles and the increase and variation in sources of revenue for
10 this. Glenn, is there a short way I can summarize this? Basically--

11
12 GLENN ORLIN:

13 No.

14
15 COUNCILMEMBER FLOREEN:

16 Ha ha ha!

17
18 COUNCILMEMBER KNAPP:

19 You did great.

20
21 COUNCILMEMBER FLOREEN:

22 I just leave it at that.

23
24 GLENN ORLIN:

25 I can say that we just got--the .PDF that the Committee reviewed was information from the
26 Department in terms of the updates. We hadn't actually got a formal transmittal from the
27 Executive. We just got it.

28
29 COUNCILMEMBER FLOREEN:

30 But this is the gist. There's decreases in funding and some further changes. And--

31
32 GLENN ORLIN:

33 The best way of looking at it, actually--in a way, there's not a big change from what was
34 approved last spring. If you look at circle--

35
36 COUNCILMEMBER FLOREEN:

37 I think the Council is good with your description, Glenn.

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1
2 GLENN ORLIN:
3 OK. Fine.
4

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1 COUNCILMEMBER FLOREEN:

2 So why don't we, uh, move on. There are some funding adjustments. Basically, what the
3 County Executive is doing is replacing current funding with G.O. Bond funding in the
4 sidewalk and infrastructure revitalization project, deferring funding for Randolph Road
5 from Rock Creek to Charles Road to reflect the current production schedule, and adjusting
6 the funding of the Silver Spring traffic improvement project to reflect the reduced scope of
7 the intersection improvement.

8
9 COUNCIL PRESIDENT ANDREWS:

10 Sure. Councilmember Ervin?

11
12 COUNCILMEMBER ERVIN:

13 On the Colesville Road/Dale Drive project, I'm just curious about what this means in terms
14 of how you will resolve the signal issue there.

15
16 UNKNOWN SPEAKER:

17 Ms. Ervin, the project originally included widening on both the east and the west lanes of
18 the intersection. When the State Highway Administration came in and installed left-turn
19 signals for both eastbound and westbound, it had essentially resolved the queuing and
20 congestion issue that we had on the west leg or the eastbound leg. The east leg is a
21 slightly different situation. The community had suggested that--well, let me first say that
22 we still have problems over there. The community had suggested that we merely look at
23 restriping the intersection instead of constructing a right-turn lane, to take the right turns
24 now that are currently in the right lane and move them over to the left lane. The problem
25 that that creates is where they're at now lines them up with where they're intended to be
26 across the intersection. If I move them over, 10-15 feet, they are now lined up with
27 opposing left-turn traffic, and that shift through the intersection is not very safe. The
28 second problem that we have is there's actually separate left-turn-arrow indications for the
29 left-turn movement as well as a separate right-turn-arrow indication that comes on with the
30 southbound left turn. And right now, with throughs and rights in the same lane, the right
31 turns don't get to take advantage of the arrow. If I move them over and allow for that shift
32 in traffic, the left turns will be blocked by the through vehicle because they get a red when
33 the left turn gets the arrow, and they won't be able to take advantage of the left-turn arrow.
34 So we really have a situation where we need individual lanes for those 3 movements to
35 really solve the problem over there. Signal timing has been suggested, to change it, and
36 you have to look at the intersection in context. We really have a failing intersection, and
37 the only way to give them more time is to take it away from U.S. 29, and that would

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1 significantly exacerbate the congestion and queuing on Route 29. So we feel the best
2 overall issue, to deal with the local issues as well as the commuter route issues, is to build
3 in that right-turn lane dedicated for that movement.

4 COUNCILMEMBER ERVIN:

5 And so that's reflected in the Committee's recommendation? That's what I'm trying to
6 understand here. So you're recommending the added right-turn lane? Yes?

7
8 UNKNOWN SPEAKER:

9 The project scope was modified to eliminate the widening on the west side of the
10 intersection but to retain the sidewalk that was proposed and only concentrate on the
11 widening on the east side to include the dedicated right-turn lane.

12
13 GLENN ORLIN:

14 Actually, this was an issue that Committee and the Council reviewed actually last winter.
15 The only reason why it's in the packet here is because, subsequently, the Executive sent
16 over a formal amendment just basically confirming what the Committee and the Council
17 had already decided. So it's not new information in that respect.

18
19 COUNCILMEMBER FLOREEN:

20 We appreciate the community's concerns in that respect, and I've certainly talked to them.
21 The issue is the safety, which is not insignificant in what it does for everybody else. I think
22 that once this is--I think the concern of the community, frankly, is that this is the first step
23 to widening Dale Drive. And, you know, if we could write into the .PDF we're not going to
24 widen Dale Drive all the way, maybe that would help. But I think that's a message that we
25 want to send, at least informally, to that community because I think that's their real
26 concern.

27
28 COUNCILMEMBER ERVIN:

29 Yeah, because the civic organizations are pretty much split on this. We're hearing from
30 both sides of Dale Drive part of Colesville Road.

31
32 COUNCILMEMBER FLOREEN:

33 I think we want to assure them that it is only the intersection that we are going to address.

34
35 GLENN ORLIN:

36 The intersection .PDF describes exactly what's going to happen, so it does do that. And
37 the Master Plan says 2 lanes.

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1
2 COUNCILMEMBER FLOREEN:

3 ...receive other messages on this.
4

5 COUNCIL PRESIDENT ANDREWS:

6 Thank you, Councilmember Ervin. Councilmember Knapp had a question or two.

7 COUNCILMEMBER FLOREEN:

8 Now we have 2 more things. We're saving the hardest thing for last, actually.
9

10 GLENN ORLIN:

11 Ms. Floreen, can I beg your indulgence and the Council's? There was an indirect--
12

13 COUNCILMEMBER FLOREEN:

14 Did I get something wrong?
15

16 GLENN ORLIN:

17 No, no, you didn't. It was something I spoke to you and Mr. Leventhal I think around
18 earlier today. It has to do with the DOT operating budget. One of the things that came up
19 subsequent to the Committee's recommendation--about the personal property tax? Yeah.
20

21 COUNCILMEMBER FLOREEN:

22 I don't know if Mr. Berliner got with us.
23

24 GLENN ORLIN:

25 I spoke to his staff. I don't know if his staff was able to talk to him. Um, the--
26

27 COUNCIL VICE PRESIDENT BERLINER:

28 Talk to me now.
29

30 GLENN ORLIN:

31 I will--this is what it's about--is part of this package that the Committee has recommended
32 approval--which, again, is to raise parking fees in Bethesda and North Bethesda, cut a few
33 other things, and provide restoration of the continuation of the Ride On bus service and
34 adding back another--one route from the April service in September. It was able to restore
35 all the Executive's cuts for FY10 except the strategic buses. I think you referred to those
36 earlier. What these, again, are buses which are--don't have a specific route assigned to
37 them. But they're located strategically in the County so that if a bus breaks down or if a

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1 bus is reported as being overfilled, they can rush right into service and provide that
2 supplement. So, essentially, it provides support for the entire system, not for one route or
3 another, so it serves the whole parts of the County. The Committee's recommendation--let
4 me go back. The Executive's recommendation would've eliminated all of those strategics.
5 The Committee's recommendation would eliminate three quarters of them, keeping about
6 a quarter of them. The tax changes that the Committee's recommending also has effects
7 on the personal property tax. Not just the real estate, but personal property tax. And so by
8 raising the mass transit tax by a tenth of a cent, the real property tax, it's also raising by
9 the same proportion--I think it's 1/40-- of the personal property tax in the mass transit tax.
10 That actually generates another \$118,500, which we didn't expect. Now, lacking anything
11 else, what happened is that money would go into the Mass Transit Fund reserve, which is
12 a fine thing. But what I would recommend instead is that you affirmatively budget it to
13 replace more of the strategics. So rather than being cutting it by three quarters, you're
14 cutting it by about half. And so sorry about that. This is not a Committee recommendation.

15
16 COUNCILMEMBER FLOREEN:

17 Yes, I skipped over that. Yeah.

18
19 GLENN ORLIN:

20 Well, so that's--

21
22 COUNCILMEMBER FLOREEN:

23 Next item of interest--

24
25 GLENN ORLIN:

26 Does that need a voice vote from the-- because that wasn't a Committee
27 recommendation. It is now? All right, good enough. OK, fine.

28
29 COUNCILMEMBER FLOREEN:

30 It sounds like the Council is fine with that.

31
32 GLENN ORLIN:

33 OK.

34
35 COUNCILMEMBER FLOREEN:

36 Homeowners' Association Road Maintenance Reimbursement. Basically, there is a
37 standard where we reimburse communities within the State--well, it's really Montgomery

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1 Village that is eligible for this program. We've been spending a lot of time talking about
2 Montgomery Village this year. But they look to us for some reimbursement on road
3 dollars. Our view was insofar as the highway user revenues were reduced, that we would
4 look at a similar reduction with respect to this disbursement. Basically, this would take
5 their numbers--the numbers down to 76,810. That's the source of the money, highway
6 user money, and that's the percentage that would be associated with it.

7
8 COUNCIL PRESIDENT ANDREWS:
9 Councilmember Knapp?

10

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1 COUNCILMEMBER KNAPP:

2 So I just want to make sure I understand because I will be asked this question. So what
3 this reflects is the lack of resources we have received from the State, so as a result, we
4 are just reducing commensurate--what we got less, they're getting less? It's not that we've
5 made a conscious decision to give them less than we would have? This is just the State
6 cut it, and we're just passing through the cut?

7
8 UNKNOWN SPEAKER:

9 That's exactly right.

10
11 COUNCILMEMBER KNAPP:

12 OK. All right. So they can talk to their Senator or Delegates? Great.

13
14 COUNCILMEMBER FLOREEN:

15 That is not our fault.

16
17 UNKNOWN SPEAKER:

18 I talked to Ms. Levine????? just a few minutes ago. She understands.

19
20 COUNCILMEMBER FLOREEN:

21 Ha ha ha! Finally, um, one of our favorite subjects, the last subject--we could get through
22 this quickly or not--this is our contribution to the City of Rockville. Part of this is an annual
23 payment in lieu of taxes to share in the overall expense of the Parking District in Fiscal
24 Year '10--that's \$130,000. Next is our annual payment for the County's share in the
25 repayment of outstanding debt on the garages--that's \$180,000. And then the issue of
26 whether or not we underwrite parking for Rockville Library employees and patrons. In
27 Fiscal Year '10, that would be 71,390. And we now end the--well, the Committee
28 recommendation is to support that. And finally, the Committee--my colleagues, not myself--
29 -recommend not reimbursing the Parking District for revenue lost due to free parking
30 being provided by Rockville Library patrons. Basically, that amount is estimated to be
31 \$143,000. Is that right, Glenn?

32
33 GLENN ORLIN:

34 Yeah, you're right. It's 143,540.

35
36 COUNCILMEMBER FLOREEN:

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- 1 And that issue would put us in a position of not supporting free parking for patrons of the
- 2 Rockville Library.
- 3

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1 GLENN ORLIN:

2 I think the point-- there's actually 2 points here. A minor point on number 3, the employee
3 reimbursement in FY09 was 67,500. It's projected to go to 71,390, but the Committee's
4 recommendation would, at least for the time being, would fund just the 67,500 until we
5 know more about what the City's going to do with raising our low-end parking fees and
6 also what they're going to do with hours, because both of those will have an effect on
7 these reimbursements. And the thought was that if the Council goes with this, you will be
8 coming back in June or July to again debate the issue as to what the policy should be for
9 parking at libraries. And if you uphold the current policy of free parking, then you would
10 need to come back and do a supplemental to pay for this reimbursement. And if not, then
11 you would not.

12
13 COUNCILMEMBER FLOREEN:

14 So the issue--as I said, the one that we have had issues with and struggled with over the
15 past is the parking for library patrons. I will note--was it last year that we--the compromise
16 on the debate was to limit parking there for 2 hours...

17
18 GLENN ORLIN:

19 That's right--free parking, 2 hours.

20
21 COUNCILMEMBER FLOREEN:

22 And the Committee recommendation is to not continue to do that. This is the one item
23 where I really disagree with my good friends and colleagues on that subject, but that's the
24 Committee recommendation.

25
26 COUNCIL PRESIDENT ANDREWS:

27 Thank you, Councilmember Floreen. I know that we're all eager to head out. And, you
28 know, those who are opposed to free library parking, please feel free to go.

29
30 COUNCILMEMBER FLOREEN:

31 Ha ha ha! Ha ha ha ha! Ha ha ha ha!

32
33 COUNCIL PRESIDENT ANDREWS:

34 Um, I'll just make a brief--I'll make a brief preemptive defense of the policy and--

35
36 COUNCILMEMBER FLOREEN:

37 I'll second your motion.

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1

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1 COUNCIL PRESIDENT ANDREWS:

2 I'm not going to make a motion at this point because we don't know what the number is
3 going to be, and we will be coming back on the policy. And I do appreciate
4 Councilmember Leventhal buttering me up a little bit on the free Ride On initiatives.
5 Appreciate that. And the fact is that that went like Council through a knife through butter--
6 people were very responsive to that. It wasn't--it got great support here. It was an idea
7 whose time had come. Historically--and I'll make this brief history--parking has been free
8 in the County for all library users, and it wasn't an intentional policy. It was the way it was.
9 Really, the issue came to a head when the new Rockville Library was constructed in Town
10 Center. And I believe that while I'm fully supportive of charging parking in urban districts, I
11 think libraries are a special case. And they're a special case because we don't want any
12 barriers to library use, and the people who benefit most from libraries are the people who
13 can least afford to go anywhere else, and we see that right now. We see that in the
14 number of people using libraries--the use is up. People are using them as job centers.
15 There's free Internet use. ESOL classes, literacy classes are at the libraries. And it's a
16 system, and our libraries don't serve areas that are all within walking distance to them.
17 These are big service areas. They serve and draw people from around the County or
18 certainly from a big region outside any reasonable walking distance. And while I would like
19 people--I would like as many people as possible to walk or take transit to the libraries, the
20 fact is most people drive to libraries, and there's no reason to think that won't continue to
21 be the case. Just because of the nature of library use and the fact that you're often going
22 with the family or carrying a lot of materials, it is not the sort of use that often is ideal, I
23 think, or easy necessarily to use by transit. And so since a dollar-an-hour parking charge
24 to me is a significant barrier to library use--it has been the County's policy to ensure that
25 there is free parking at our libraries and for all of them. And so I do believe that it is a wise
26 policy. It is a policy that ensures that we don't have disparate treatment for different library
27 users. There are questions of equity here as well as the practical effect, which I believe
28 would be a reduction in library use if you have a parking charge, at least among--for some
29 people, it is a barrier. And that is why I've been a strong supporter of this policy, and I
30 think the Council was right to institute it. I supported the compromise that we adopted last
31 year of 2 hours, which I think is reasonable. But I do thank my colleagues who have
32 continued to support this policy. I think it is the right one, and it is one, I think, that is
33 important to maintain for our system. And it will become an issue in other parts of the
34 County, too, as libraries are proposed to move into more urban areas, such as in the
35 Silver Spring area and potentially in Wheaton. And I have to say I think it is one of the
36 arguments against moving the current location of the Wheaton Library, and there are
37 others, as well. I think people are quite happy with its current location, but I think that is

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1 another argument there. So with that, I will stop because it is now 3:30. But I did want to
2 make a preemptive defense on this issue. I'm not going to make a motion today, and I
3 appreciate there are differences of opinion on this issue and I respect that.
4 Councilmember Ervin has a question, though not necessarily about this, and then
5 Councilmember Leventhal.

6
7 COUNCILMEMBER ERVIN:

8 It's not about this at all. I know we're about to leave, so I'm wondering if someone can get
9 back to me on this item which I let slide past me, and that was the reduction in funding for
10 traffic studies--\$70,000. I just wanted to know about the impact of that because I know
11 that in my District we have a lot of requests, as you all know, for traffic studies because of
12 cut-through traffic issues and crosswalks and sidewalks, etc. So I want to know what the
13 impact of that cut's going to be. And I looked at the circle 15 and saw what the backlog
14 was. So if you can get back to me on that, that would be great. OK, thanks.

15
16 COUNCIL PRESIDENT ANDREWS:

17 Thank you, Councilmember Ervin. Councilmember Leventhal, and then Councilmember
18 Knapp.

19
20 COUNCILMEMBER LEVENTHAL:

21 Well, just to the extent that anyone's watching this at home, the Council President has
22 made a very strong case on one side of this argument. I just want to make a very brief
23 rejoinder. First of all, this is not a free good. \$143,540 is being paid by all taxpayers in
24 Montgomery County so that those who use the Rockville Library do not have to pay and
25 so that the City of Rockville is reimbursed for its debt service on its garage that it built in
26 full expectation that parking would be paid for. The City of Rockville designed its garage.
27 The City of Rockville designed Town Center. The City of Rockville asked the County to
28 place the library in the middle of Town Center to assist in supporting Town Center. Had
29 the City of Rockville believed that it should provide free parking, it could have done it. But
30 it never intended that parking be free. That never was the plan. Years into the
31 development and the planning--the planning and development of Rockville Town Center,
32 this political discussion came up, and somehow it was suggested that parking at libraries
33 is always free everywhere. First of all, it had never always been free everywhere in
34 Montgomery County. In downtown Bethesda at the Bethesda Metro Station, it was not
35 free because real estate is so valuable there, that there had always been paid parking at
36 the Bethesda Library. Prior to the construction of the Rockville Library, the Bethesda
37 Library was unique in that it was an urban library located adjacent to a Metro Station

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1 where the real estate is especially valuable and where there are opportunities for abuse of
2 free parking. Every other library in Montgomery County, the parking is free. No one has
3 proposed to change free parking at any other library other than those that are built on
4 purpose in urban centers adjacent to Metro. Now we have a policy as a result of the
5 advocacy of some dedicated citizens of Rockville that imposes upon Bethesda a policy it
6 never wanted. In addition, in Silver Spring, if we insist--you know, Ralph Waldo Emerson
7 said, "Consistency is the hobgoblin of small minds." If we insist that in order to cater to the
8 wishes of the Rockville Library advocates, we must have free parking in the Wayne
9 Avenue Garage in Silver Spring, that will lead to decreased-- substantially decreased
10 revenue for our Parking District in Silver Spring and real abuse. There is abuse occurring
11 now. It may not bother my colleagues. You know, how much does it bother any of us? I
12 don't know. It's only anecdotal. We can't prove it. When the Library Board came to meet
13 with me, one of the Library advocates said he was working out in the gym right here in
14 Rockville Town Center, and somebody was on the StairMaster right next to him saying,
15 "Hey, this is great. Do you know you can park for free? All you got to do is punch your
16 ticket in the library, and then you don't have to pay for parking." It is being abused. It's
17 being abused today. It will be much worse in downtown Silver Spring, which I frequent all
18 the time. There is no good mechanism to ensure that people who get 2 hours of free
19 parking in the Wayne Avenue Garage once the Silver Spring Library is constructed are not
20 getting a beer at McGinty's or buying books at Borders or buying clothes at Men's
21 Wearhouse. It will be rampantly abused. There isn't any way to avoid it in a big, urban
22 area like downtown Silver Spring. My views on the Rockville parking are well-known. It's a
23 public matter. But whatever we do, please do not insist that this bad policy be imposed
24 upon downtown Silver Spring. It won't work in Silver Spring. People in Silver Spring do not
25 want it. We heard from the Silver Spring Citizens Advisory Board. They do not believe that
26 there should be free parking in the Wayne Avenue Garage. We should have free parking
27 for disabled people--there's a way to do that. But for the Wayne Avenue Garage, this
28 should not apply. There is no reason to insist that the fact that a suburban library like
29 Aspen Hill or Quince Orchard, the fact that it has an owned lot owned by Montgomery
30 County and no parking meters, that, therefore, when we are utilizing space that the City of
31 Rockville owns, that it should therefore be free. There's no need for consistency here.
32 Different libraries have different circumstances, and we need not insist that a "free
33 parking" blanket policy apply. The Council has voted for it, I disagree. The Council may
34 vote for a different policy later, it may not. But regardless, I hope we will be thoughtful and
35 appropriate when it comes to determining policy for Silver Spring. It would be a big
36 mistake to have 2 hours of free parking in the Wayne Avenue Garage. It won't work.
37 There's no way to make it work.

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1
2 COUNCIL PRESIDENT ANDREWS:
3 Thank you, Councilmember Leventhal. And Councilmember Knapp has the last word
4 today-- a question. I think it's about something else.
5
6 COUNCILMEMBER KNAPP:
7 Totally different topic.
8

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COUNCIL PRESIDENT ANDREWS:

All right.

COUNCILMEMBER KNAPP:

No. First, I just wanted to ask--I've been trying to get this from different departments--do you have some sense as to how many of your employees are eligible for retirement under the RIP? Could you get that information to me? I would appreciate that. OK. And also, how many people were eligible last year and how many took advantage of it? If you could give me both of those, that'd be great. And then finally, I just wanted to say thank you. Obviously, you have lots of interaction with all of our offices. Mr. Pogue serves as our primary point of contact and is always very friendly, and we appreciate it. And I know all of the rest of you are generally working in response to whatever requests come from him or from others, and so I just wanted to thank you all. Because there's a lot of moving parts out there, and you're all pretty helpful in getting them done, so thank you very much.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Knapp. And, actually, I have to make one announcement, and that is that because we have gotten through all of the business before us today, there are no Council sessions tomorrow. The hold for tomorrow in both the morning and afternoon is released. And we have a lot of other work to do, but we won't be in full Council session. So 7:30 tonight, though, for public hearings, about 15 speakers.

COUNCILMEMBER FLOREEN:

And that was the Transportation budget.

COUNCIL PRESIDENT ANDREWS:

Very good.